

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15024 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- BAHADURPUR District- Patna

Abhishek Kumar @ Vicky Singh @ Viccky Kumar Son Of Sarweshwar Singh
R/O Near Hari Niwash, Old Bahadurpur Gaon, P.S.- Bahadurpur, District-
Patna-800016

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 30(A), 32(2)(3), 36, 41(i)(ii) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 102.240 liters
wine is recovered.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against
the petitioner. The petitioner has falsely been implicated in this
case. The name of the petitioner has transpired in this case on
disclosure made by co-accused. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that 102.240 liters wine is recovered from the co-accused. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court, Patna City in connection with Bahadurpur P.S. case No.412 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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