

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11671 of 2023

Arising Out of PS. Case No.-68 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Munna Kumar @ Munna Paswan Son Of Yogi Paswan R/O Village- Dumri
Professor Colony, P.S.- Sadar Muzaffarpur, District- Muzaffarpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mrs.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 180 ml. 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. It is alleged that 180 ml. wine is recovered from the house of co-accused Ajay Kumar. The petitioner has been made accused due to mistake of fact. As per prosecution case, the police had gone for search in the orchard of co-accused Ajay Kumar. It is alleged that the petitioner had protested against such search being carried out by



the police. The orchard in question does not belong to the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. 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 Criminal 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 F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge Excise Court No. 2, Muzaffarpur in connection with Excise Case No. 68/2017 arising out of P.R. No. 13/2017-18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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