

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11877 of 2023

Arising Out of PS. Case No.-238 Year-2021 Thana- PANAPUR District- Saran

RAHUL KUMAR, aged about 26 years, Male, Son of Ram Ayodhya Sah,
Resident of Village- Banaura, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jeetendra Narayan, Advocate
For the Opposite Party : Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Panapur P.S. Case No. 238 of 2021 for the offence registered under Sections 30(a), 36 and 40 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 75 liters wine is said to have been recovered from three Motorcycles and half constructed house of co-accused, namely, Ranvijay Sah.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is



no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 75 liters wine is recovered from three Motorcycles and half constructed house of co-accused, namely, Ranvijay Sah. Out of which, 10 liters wine is said to have been recovered from one of the seized Motorcycle bearing Registration No. BR 04 AG-7391. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of the said Motorcycle. The petitioner is alleged to be the owner of the said Motorcycle. The said Motorcycle was given by the petitioner to his co-villager for his personal use. It is further submitted that half constructed house 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, arising out of*



SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar).

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Court, Saran at Chapra, in connection with Panapur P.S. Case No. 238 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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