

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11075 of 2023

Arising Out of PS. Case No.-230 Year-2022 Thana- SAHPUR District- Bhojpur

=====

Mukesh Kumar Tiwari Son Of Shashibhushan Tiwari @ Shashibhushan
Tiwary R/O Ramdatahi, Post Office- Prasounda, P.S.- Shahpur
(KARNAMEPUR OP), District- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mrs.Meena Singh, 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) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 19 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent and there is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in this
case. It is alleged that 19 liters wine is recovered from the



tempo and two motorcycles. The name of the petitioner has transpired in this case as the petitioner is the owner of one motorcycle in question. Said motorcycle was given by the petitioner to the co-villager for his personal use. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 Exclusive Special Excise Judge II, Bhojpur at Ara in connection with Shahpur (Karnamepur O.P.) P.S. case No.230 of 2022, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

