

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12859 of 2023**

Arising Out of PS. Case No.-583 Year-2021 Thana- SARAIYA District- Muzaffarpur

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AETTU @ AKSHAY KUMAR SINGH @ AETTU SINGH, aged about 30 years, Male, S/O LATE RAMA SINGH, R/v- Siuri Gopinathpur, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Priyesh Kumar, Advocate

For the Opposite Party : Mr. Lakshmi Kant Sharma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

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

The petitioner is apprehending his arrest in connection with Saraiya P.S. Case No. 583 of 2021 for the offence registered under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 30.540 liters wine is said to have been recovered from two different vehicles.

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 30.540 liters wine is recovered from two different vehicles. None of the vehicles belongs to the petitioner. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of disclosure made by the local residents as per F.I.R. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. 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 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 Exclusive Special Judge Excise Court No. II, Muzaffarpur, in connection with Saraiya P.S. Case No. 583 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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