

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14409 of 2023

Arising Out of PS. Case No.-112 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Sanjay Kumar S/O Late Revat Mahto Resident Of Village- Bari Pahari, P.S.-
Laheri, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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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, 41, 56(a) and 56(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 60 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 60 liters wine is recovered from a motorcycle. The name of the petitioner has transpired as being owner of the motorcycle in question. Prior to the institution of



the present F.I.R., an F.I.R. was instituted by the petitioner in respect of theft of his motorcycle in question which is Annexure-2 to this application. 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 Additional District and Sessions Judge-V-cum- Special Excise Court-II, Lakhisarai in connection with Excise Case No. 112C2 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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