

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14336 of 2023

Arising Out of PS. Case No.-738 Year-2022 Thana- MADHAURAH District- Saran

Nitesh Tiwary @ Tikdhari @ Nitesh Kumar S/O Shilanath Tiwary @ Triloki Nath Tiwary R/O Village- Bhagalpur Uttari Tola, P.S- Marhaurha, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 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) & 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 840 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. The name of the petitioner has transpired on the basis of secret information. The source and genuineness of secret information 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. It is alleged that 840 liters wine is recovered from a Pick up van. The Pick up van, in question does not belong to the petitioner. 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 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 F.I.R.

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 the Court below/concerned Court in connection with Marhaurha P.S. Case No. 738 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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