

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13017 of 2023

Arising Out of PS. Case No.-1430 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Umesh Sah @ Umesh Kumar, aged about 53 years, Male, Son Of Late Nihora Sah @ Ramnihora Sah, R/O Vill.- Ganti, P.S.- Minapur, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Hemant Kumar, Advocate
For the Opposite Party : Mr. Pradeep Narain Kumar, 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 Excise P.S. Case No. 1430 of 2022 for the offence registered under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 5 liters wine is said to have been recovered by the side of the Market in question.

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 5 liters wine is recovered by the side of the Market. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case as the petitioner is alleged to be the owner of the said Market. The premises of the said market was given on rent to the tenant by the petitioner. The petitioner has no concern from the premises in question. 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-II, Muzaffarpur, in connection with Excise P.S. Case No. 1430 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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