

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19668 of 2023**

Arising Out of PS. Case No.-365 Year-2022 Thana- SARAI RANJAN District- Samastipur

SIKKIM KUMAR @ SITTU KUMAR, aged about 26 years (Male), S/O
KAPILDEV RAY @ KAPILDEV YADAV R/V- Shitalpatty, P.S.- Sarairanjan,
District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anish Kumar, Advocate

For the Opposite Party : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Sarairanjan P.S. Case No. 365 of 2022 for the offence registered under Sections 147, 148, 149, 332, 307, 353, 504, 420, 467, 468, 471 of the I.P.C., Sections 25(1-b)a, 26, 27, 35 of the Arms Act and Sections 30(a), 32(i), 32(ii), 36, 41(i), 45 and 62 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

The prosecution story, in brief, is that during the



course of raid with regard to absconding persons, the police received an information that huge quantity of illicit liquor is unloading in the Sahil Enterprises. The police reached there and after seeing the police party, accused persons started firing upon the police party and in counter, the police party also fired on the accused persons. The police arrested one Mukesh Kumar and local Chaukidar also identified some fleeing persons including the petitioner. In course of that, some different vehicles, one live cartridge and total 1337.865 liters wine is said to have been recovered from 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 1337.865 liters wine is recovered from different vehicles in question. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confessional statement of the co-accused. None is said to have been injured in course of the alleged occurrence.



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 Court below/concerned Court, in connection with Sarairanjan P.S. Case No. 365 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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