

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19456 of 2023**

Arising Out of PS. Case No.-166 Year-2019 Thana- GAYA MUFASIL District- Gaya

Sandeep Kumar Son of Late Tripurari Prasad R/v- Madan Bigha, P.S.-  
Chakand, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Atul Shankar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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

2      15-05-2023                      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) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 71 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. It is alleged that 71 liters wine is recovered from the motorcycle. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case being the owner of the motorcycle in question. Said motorcycle in question was sold by the petitioner prior to the alleged date of



occurrence vide Annexure 2 to the present application. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 not named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below/concerned Court in connection with Mufassil P.S. case No.166 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

**(Sudhir Singh, J)**

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