

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14236 of 2023

Arising Out of PS. Case No.-174 Year-2022 Thana- ALINAGAR District- Darbhanga

AMARJEET KUMAR MUKHIYA @ AMARJEET KUMAR S/O BADRI
MUKHIYA Resident of village- Alinagar, P.S.- Alinagar, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Girish Chandra Jha, Advocate
For the Opposite Party : Mr.Sharda Kumari, 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 Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 24.80 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 in the present case on the basis of a number plate, which was said to have been fallen on the road, in course of the occurrence. The said number plate of the motor cycle indicates that the motor



cycle in question is registered in the name of the petitioner. It is further submitted on behalf of the petitioner that the motor cycle in question is not of the petitioner. Some one has used fake number plate of the petitioner's motor cycle for the alleged crime. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 24.48 liters wine is recovered by the side of the road. 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) each with two sureties of the like amount each to the satisfaction of the Court



below/concerned Court in connection with Alinagar P.S. Case
No. 174 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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