

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16738 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- WARISNAGAR District- Samastipur

Mithun Sah, (M), aged about 25 years, S/O Raghunath Sah, R/O Village-
Nabhata, P.S- Warisnagar, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Aprajita, Advocate

For the Opposite Party : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Warisnagar P.S. Case No. 11 of 2023 for the offence registered under Sections 30(a), 32(2), 32(3), 41(2)(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

The prosecution story, in brief, is that total 774 liters wine is said to have been recovered from the different vehicles which were parked by the side of the house of co-accused, namely, Md. Shamse Alam.

It has been submitted by learned counsel for the petitioner that the petitioner 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 774 liters wine is recovered from the different vehicles which were parked by the side of the house of the house of co-accused, namely, Md. Shamshe Alam. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case as the Motorcycle of the petitioner bearing No. BR 33AG-8167 was parked by the side of the house of the co-accused, Md. Shamshe Alam. 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 Warisnagar P.S. Case No. 11 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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