

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16664 of 2023

Arising Out of PS. Case No.-163 Year-2016 Thana- GUTHANI District- Siwan

ANIL CHOUDHARY @ ANIL KUMAR CHOUDHARY, aged about 35 years, (Male), S/O KRISHNA CHOUDHARY, Resident of Village-Chhuathgali, P.S.- Siwan Town, District- Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party : Mr. Md. Anbzarul Haque Sahara, 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 Guthni P.S. Case No. 163 of 2016 for the offence registered under Sections 272, 273, 308 of the I.P.C. and Section 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 161.365 liters wine is said to have been recovered from the Bolero vehicles 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 161.365 liters wine is recovered from the Bolero vehicle in question. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of seized Bolero vehicle in question. The petitioner is alleged to be the owner of the said Bolero vehicle. The said vehicle is run as a public transport. The petitioner had no knowledge regarding the nature of goods booked by the transporter. 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. 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 not 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 Guthni P.S. Case No. 163 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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