

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19952 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- HASANPUR District- Samastipur

Awadh Kishore Rai Son Of Deo Kalyan Rai @ Dev Kalyan Ray R/O Village-
Deodha, P.S.- Hasanpur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mr. Vaishnavi Singh, Advocate
For the Opposite Party	:	Mr. Sanjeet Kumar Singh, 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 Section-30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 190.080 liters wine and a country-made pistol is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Hasanpur P.S. Case No. 105 of 2022 was registered on 16-04-2022 in which, it is alleged that 190.080 litres wine is recovered from Veterinary Hospital. Six accused



persons were apprehended from joint house of the petitioner and one country-made pistol was recovered from one Raja Vikram. Two separate seizure lists were prepared in the present case: One for recovery of liquor whereas second one was prepared for recovery of country-made pistol. It appears that the said seizure was made on 14-04-2022 i.e. prior to the alleged date of occurrence. In the said circumstances, it is difficult to rely upon the said prosecution wherein seizure list has been prepared prior to the institution of the present case. The name of the petitioner has transpired in the present case for the reason that some of the accused persons were arrested from joint house of the petitioner. There was no recovery of any liquor from joint house of the petitioner. It is alleged that 190.080 liters wine is recovered from Veterinary Hospital. 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) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Hasanpur P.S. Case No. 105 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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