

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17115 of 2023**

Arising Out of PS. Case No.-603 Year-2016 Thana- SHERGHATI District- Gaya

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Dhiraj Kumar S/o Mithlesh Singh Resident of Village-Patut, Post-Karghar,
P.S.-Rania Talab, Kanpa, Bikram, District-Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Sinha, Advocate

For the Opposite Party/s : Mrs.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is apprehending his arrest in a case registered under Sections 272, 273, 414/34 of the Indian Penal Code and Sections 30(a), 32(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 70.500 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 70.500 liters wine is recovered from



different vehicles. The name of the petitioner has transpired in this case as being the owner of one of the vehicles in question. Same is run as public transport. The petitioner had no knowledge regarding the nature of goods kept in the vehicle. 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 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 Sherghati (Dhobi)



P.S. case No.603 of 2016, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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