

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16680 of 2023

Arising Out of PS. Case No.-271 Year-2022 Thana- OBRA District- Aurangabad

RAKESH KUMAR, aged about 47 years, Gender-Male, S/o Krishna Nand Sharma, Resident of Flat No. 403, Shreemati Enclave, Professor Colony, North Shastri Nagar, P.O. and P.S.-Shastri Nagar, Town and District-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manish Jha, Advocate
For the Opposite Party : Mrs. Pushpa Sinha.1, 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 Obra P.S. Case No. 271 of 2022 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Section 37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

The prosecution story, in brief, is that total 2 liters wine and 10 kg. Mahua flower is said to have been recovered from the Truck 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 2 liters wine and 10 kgs. Mahua flower is recovered from the Truck 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 Truck in question. The petitioner is alleged to be the owner of the said Truck. The said Truck 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 Obra P.S. Case No. 271 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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