

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18729 of 2023

Arising Out of PS. Case No.-229 Year-2019 Thana- BIBHUTIPUR District- Samastipur

SUSHIL KUMAR Son of Ram Prakash Mahto Resident of village - Pateliya,
Ward No.- 3, P.S.- Bibhutipur, District - Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mahendra Pratap, Advocate
For the Opposite Party : Mr.Mukesh Kumar Singh, APP

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 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise (Amendment) Act.

The prosecution case, in short, is that 18.975 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of mobile phone which was recovered from the car. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 18.975 liters wine is recovered from a car, in question. The petitioner is said to be owner of the car in question. The said car



is run as a public carrier. The petitioner had no knowledge regarding the nature of goods kept in the car. 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 Bibhutipur P.S. Case No. 229 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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