

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19329 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- BAUNSI District- Banka

Daya Shankar Tiwary @ Daya Shankar Tiwari S/O- Lalan Tiwari Resident of
Satyendra Nagar PS- Aurangabad Dist- Aurangabad At present- Village-
Amehta Ps- Agiaon Bazar Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shitanshu Shekhar Mishra, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, 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 Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 4039.200 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 4039.200 liters wine is recovered from the



trucks. The name of the petitioner has transpired in this case being the owner of one of the trucks in question. Said truck in question was sold by the petitioner to one Surendra Yadav prior to the alleged date of occurrence vide Annexure 3 to the present application. 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 Bounsi P.S. case



No.209/2022, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

