

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18912 of 2023

Arising Out of PS. Case No.-249 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

-
1. CHANDAN KUMAR @ CHANDAN KUMAR MEHTA son of Late Babunand Mehta Village- Karbana Ps- Chhatapur Dist- Supaul
 2. Kundan Kumar @ Kundan Kumar Mehta @ Kundan Mehta son of Late Babunand Mehta Village- Bishanpur Ps- Chhatapur Dist- Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Pramod Mishra, Advocate

For the Opposite Party : Mr.Arbind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 2250 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner No. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired in this case as the petitioner No. 1 is said to be owner of the pick up



Van, in question whereas the petitioner No. 2 is said to be own brother of petitioner No. 1. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 2250 liters wine is recovered from the pick up Van. The pick up Van, in question is run as a public transport. The petitioners had no knowledge regarding the nature of goods booked by the transporter. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioners 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 petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with P.R. No. 249/2019-



20, subject to the conditions as laid down under Section 438(2)
of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

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

