

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23496 of 2023

Arising Out of PS. Case No.-10 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Kamlesh Ray @ Kamlesh Rai Son Of Raj Kumar Roy @ Raj Kumar Rai
Resident of village and Post - Inayatpur, Dhamaul, P.S. - Sahpur Patori, Distt.
- Samastipur. At present Resident of village - Makardaha Road Shanpur, P.S. -
Bandra, Distt. - West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Soni, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2023 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), 32, 35, 36 & 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 900 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. It is alleged that 900 liters wine is recovered from the motorcycle. The petitioner is said to be owner of the motorcycle. It is submitted that the petitioner vide Annexure-2 to this application, has already sold the said motorcycle to one Lala Roy, prior to the alleged occurrence. 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. 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 Special Case No. 16A/2021 arising out of Kochadhaman P.S. Case No. 10 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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