

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24371 of 2023

Arising Out of PS. Case No.-908 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Kunal Singh Son of Harendra Singh Resident of Village - Basatpur, P.S.-
Mufussil, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-05-2023 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 and 41(i) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 3 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against
the petitioner. It is alleged that 3 liters wine is recovered behind
the shop belonging to joint family of the petitioner. 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 Motihari Mufasil P.S. Case No. 908 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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