

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73239 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- PUPRI District- Sitamarhi

NITISH RAY @ NITISH RAI @ NITISH KUMAR, aged about 25 years,
Genjder-Male, S/o Jagarnath Ray @ Jaganath Yadav @ Jagannath Yadav, R/o
Village- Chainpura (Mushhari Tola), P.S.- Pupri, Distt- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Santosh Kumar, Advocate
For the Opposite Party : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Pupri P.S. Case No. 244 of 2022 for the
offence registered under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total
243.600 liters wine is said to have been recovered from the
Bathan and Tempo in question.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
He has falsely been implicated in the present case. There is



no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 243.600 liters wine is recovered from the *Bathan* and the Tempo in question. The petitioner is named in the F.I.R. The *Bathan* in question belongs to the petitioner but the Tempo in question does not belong to the petitioner. The name of the petitioner has transpired in the present case as the alleged recovery is also made from the *Bathan* 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 *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.



Considering the aforesaid facts and circumstances, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Excise Court No. ii, Sitamarhi, in connection with Puprai P.S. Case No. 244 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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