

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73269 of 2022**

Arising Out of PS. Case No.-135 Year-2022 Thana- KUDHNI District- Muzaffarpur

BHUSHAN KUMAR @ SHASHI BHUSHAN KUMAR, aged about 32 years
(Male), S/O Laldev Sahani, R/O Chhajan Sangram, P.S- Kudhani (Turki O.P),
District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar Pandey, Advocate
For the Opposite Party : Mr. Arun Kumar Pandey, 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 Kudhani (Turki O.P.) P.S. Case No. 135 of
2022 for the offence registered under Sections 272, 273/34
of the I.P.C. and Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 28.08
liters wine is said to have been recovered from the pond of
Shivjee Prasad Gupta.

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 28.08 liters wine is recovered from the pond of Shivjee Prasad Gupta. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of secret information as per F.I.R. The source and genuineness of secret information has not been disclosed by the prosecution. 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 Exclusive Special Judge, Excise Court No. II, Muzaffarpur, in connection with Kudhani (Turki O.P.) P.S. Case No. 135 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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