

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72697 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- HASANPUR District- Samastipur

SANTOSH KUMAR YADAV, aged about 38 years, Gender-Male, S/O LATE RAJESHWAR YADAV, Resident of village- Paroriya, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party : Mr. Rajesh Kumar, 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 Hasanpur P.S. Case No. 167 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 19.860 liters wine is said to have been recovered from the Motorcycle of the petitioner.

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 19.860 liters wine is recovered from the Motorcycle in question. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of seized Motorcycle. The petitioner is alleged to be the owner of the said Motorcycle. The said Motorcycle was given by the petitioner to his co-villager for his personal use. 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 not 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 Excise Court-1st, Samastipur, in connection with Hasanpur P.S. Case No. 167 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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