

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73719 of 2022

Arising Out of PS. Case No.-310 Year-2022 Thana- MOUZAHDIPUR District- Bhagalpur

AMIT KUMAR MISHRA, aged about 34 years, Male, Son of Raj Kishor Mishra, Resident of Village- Kumadpur, P.S.- Rangra Chowk, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party : Mr. Chandra Bhushan Prasad, 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 Mojahidpur (Babarganj) P.S. Case No. 310 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 76.125 liters wine is said to have been recovered from the Scorpio vehicle 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 76.125 liters wine is recovered from the Scorpio vehicle 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 vehicle. The petitioner is alleged to be the owner of the vehicle in question. The said vehicle is run as a public carrier. The petitioner had no knowledge regarding the nature of goods kept in the said vehicle. 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. 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 Additional Sessions Judge-IX, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No. 310 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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