

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73245 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

=====

RAHUL KUMAR @ RAHUL KAMAT, Male, aged about 30 years, S/O
LATE MAHESH KAMAT, Resident of Ward No- 11, Nagar Parishad, Supaul,
P.S. and District- Supaul.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Amrit Abhijat, Advocate

For the Opposite Party : Mr. Kumar Ranjit Ranjan, 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 Supaul Prohibition P.S. Case No. 315 of 2022
for the offence registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018 and 2022.

The prosecution story, in brief, is that total 8.100
liters wine is said to have been recovered from the hut of
the co-accused Umda Devi.

It has been submitted by learned counsel for the
petitioner that the petitioner 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 8.100 liters wine is recovered from the hut of the co-accused Umda Devi. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confessional statement of the co-accused. 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 Excise Court-02, Supaul, in connection with Supaul Prohibition P.S. Case No. 315 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

