

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74115 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

CHINI RAY @ CHUNI RAY, aged about 38 years (Male), Son of Rajagop Ray, Resident of Village- Rani Tola Diyara, Ward No-10, P.S.- Bachwara, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mahendra Pratap, Advocate
For the Opposite Party : Mr. Abhay Kumar Roy, 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 Vidyapatnagar P.S. Case No. 48 of 2021 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

The prosecution story, in brief, is that total 159.480 liters wine is said to have been recovered from the Alto Car and the Motorcycle 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 159.480 liters wine is recovered from the Alto car and the Motorcycle in question. The Alto car in question does not belong to the petitioner. 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 Motorcycle in question. The said Motorcycle was given by the petitioner to his co-villager for his personal use. The petitioner had no knowledge regarding the alleged incident. 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 Special Excise Court-I, Samastipur, in connection with Vidyapatinagar P.S. Case No. 48 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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