

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74597 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- GORAUL District- Vaishali

Deepak Kumar, aged about 30 years, (Male), Son Of Shiv Chandra Rai, R/O
Village- Mahua Singhari Pachhami, P.S.- Mahua, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Roy, Advocate

For the Opposite Party : Mr. Md. Mushtaque Alam, 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 Goraul (Kathara O.P.) P.S. Case No. 19 of 2022 for the offence registered under Sections 420, 467, 468, 471, 120(B) of the I.P.C. and Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 4950 liters wine is said to have been recovered from the Truck and two Motorcycles in question.

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 4950 liters wine is recovered from the Truck and two Motorcycles. None of the vehicles belongs to the petitioner. 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-I-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Goraul (Kathara O.P.) P.S. Case No. 19/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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