

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1643 of 2023

Arising Out of PS. Case No.-546 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Mithun Kumar Tanti Son Of Ashok Tanti R/O Bishanpur Ahok, Ward No.17,
P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Arjun Prasad, Advocate
For the Opposite Party : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections-272, 273 and 120(b) of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case, in short, is that 1228.620 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired in this case as the petitioner happens to be owner of the pick up Van, in question. The said pick Van is run as a public carrier. Except for this, there is no other substantive evidence



to suggest the implication of the petitioner in this case. It is alleged that 1228.620 liters wine is recovered from the pick up Van. 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 Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)***

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai in connection with Begusarai Muffasil P.S. Case No. 546 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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