

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4631 of 2023

Arising Out of PS. Case No.-531 Year-2021 Thana- JAGDISHPUR District- Bhojpur

DEEPAK @ DEEPAK DAHIYA, aged about 37 years, Male, Son of Baldev
@ Baldev Singh, Resident of Village- Sisana, P.S.- Kharkhoda, District-
Sonipat (Haryana)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arvind Kumar, Advocate
For the Opposite Party : Mrs. Asha Kumari, 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 Jagdishpur P.S. Case No. 531 of 2021 for the offence registered under Sections 272, 273, 420, 467, 468, 471, 120(B)/34 of the I.P.C. and Sections 30(a), 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 786.240 liters wine is said to have been recovered from the Truck 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 786.240 liters wine is recovered from the Truck in question. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of seized Truck in question. The petitioner is alleged to be the owner of the Truck in question. The petitioner had no knowledge regarding the nature of goods booked by the Transporter. 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 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-Ist, Bhojpur at Ara, in connection with Jagdishpur P.S. Case No. 531 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

