

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7403 of 2023

Arising Out of PS. Case No.-33 Year-2021 Thana- VAISHALI District- Vaishali

ABHISHEK KUMAR S/O Surendra Ram R/O Village- Jatkauli, P.S- Vaishali,
District- Vaishali, DJistrict- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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 defects as pointed out by the office has already
been removed by the petitioner.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a) and 41(i) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 17.280 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. It is alleged that
17.280 liters wine is recovered from the car in question. The car in
question does not belong to the petitioner. The name of the petitioner
has transpired on the basis of disclosure made by 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 (Sweta Kumari versus 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, 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 Court No. II-cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Vaishali P.S. case No. 33 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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