

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.511 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SURSAND District- Sitamarhi

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DEVENDRA DAS, (M), aged about 23 years, S/O Bharat Das, R/O Village-
Vediyatola, Bedaul, Ward No- 16, P.S. Pupari, District-Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Murari, Advocate
For the Opposite Party : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-04-2023 The matter has been listed under the heading ‘To

Be Mentioned’ at the instance of learned counsel for the

petitioner.

From perusal of the record, it appears that the
order dated 20.04.2023 passed in the present case has
rightly been printed out, but due to inadvertent mistake, the
contents of the order passed in some other case has been
uploaded on the website of the Patna High Court and the



same has also been transmitted. The correct order which has been passed at Sl. No. 2 on 20.04.2023, reads as follows:

“Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Sursand P.S. Case No. 415/2022 for the offence registered under Section 414 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 43.8 liters wine is said to have been recovered by the side of the road.

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 total 43.8 liters wine is recovered by the side of the road. 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-II, Sitamarhi, in connection with Sursand P.S. Case No. 415 of 2022, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.”

The order dated 20.04.2023, passed in the present case, is modified/clarified to the extent as indicated above.

(Sudhir Singh, J)

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