

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46188 of 2016

Arising Out of PS.Case No. -187 Year- 2016 Thana -MEERGANJ District- GOPALGANJ

Surendra Mishra, Son of late Mangru Mishra, Resident of village – Bigahi
Bairishal, P.S. Mirganj, District – Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Sri Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 22-10-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 272,
273, 420 of the Indian Penal Code and 47(a) & 47(g) of the
Bihar Excise Act.

The prosecution case is that the informant
being the S.I. of Mirganj Police Station received secret
information that liquor is being manufactured at the brick kiln
of the petitioner leading to raid when 11 empty pieces of

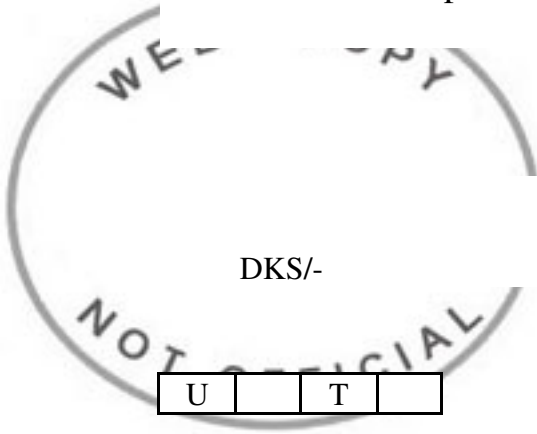
plastic containers, 2 plastic containers each containing 15 litres of molasses, 4 empty bottles of bear, 1 bottle full and 1 half red colour medicine, 3 distillation containers of iron, 2 empty iron's tin and plastic glasses were recovered.

It is submitted by learned counsel for the petitioner that the recovery, if any, has been made from the labourers of the brick kiln. A statement has been made in paragraph 11 of the petition that the petitioner is not the owner of the brick kiln. It is further submitted that the petitioner is aged person having no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail provisionally for two months, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No. 187 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below after verification of the fact that the petitioner is not the owner of the brick kiln, but if it

is found that the petitioner is the owner of the brick kiln then the
petitioner will surrender and pray for bail.



DKS/-

(Dinesh Kumar Singh, J)

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