

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61128 of 2017

Arising Out of PS.Case No. -171 Year- 2016 Thana -MUSAHRI District- MUZAFFARPUR

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Binay Kumar Mishra, S/o Nagendra Mishra, Resident of Village-
Mohammadpur (Shivram), P.S.- Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2017 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mushahari P.S. Case No.171 of 2016 instituted for the offences
under Sections 30(a), 36 and 38 of the Bihar Prohibition and
Excise Act, 2016 and Sections 272 and 273 of the Indian Penal
Code.

The allegation is regarding recovery of 153 litres of
liquor from Pick Up Van being driven by the driver of the
petitioner.

The learned counsel for the petitioner submits that the
petitioner was neither apprehended from the spot nor any recovery



has been made from his conscious possession and has not liable for the deeds of his driver. Learned counsel further submits that the petitioner has got a clean antecedent and is languishing in custody since 14.11.2017.

Considering the nature of accusation, the period of custody already undergone and the fact that he has got a clean antecedent, I direct the petitioner named above to be released on regular bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd Cum Special Judge, Excise Act, Muzaffarpur in connection with Mushahari P.S. Case No.171 of 2016.

(Mohit Kumar Shah, J)

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