

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42400 of 2017

Arising Out of PS. Case No.-152 Year-2017 Thana- BAIRIYA District- West Champaran

Dhanu Mishra , Son of Parshuram Mishra, resident of Village- Sudama
Nagar, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Smt. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-09-2017 Heard Sri Milind Kumar Mishra, learned counsel for the
petitioner and Smt. Nirmala Kumari , learned Additional
Public Prosecutor.

The sole petitioner apprehending his arrest in Bairiya P.S.
Case No. 152 of 2017 registered for the offence under section
30(A) of the Bihar Prohibition and Excise Act, 2016
(hereinafter referred to as “Excise Act”) has prayed for grant of
bail in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that
it is a peculiar case in which FIR was lodged by a Police
Officer on secret information as if petitioner was indulged in
activity relating to commission of offence under the Excise Act
and a raid was conducted and from two places country made
liquor as well as Indian make foreign liquor was recovered



and those recovery was effected from two places not belonging to petitioner. It has been argued that nothing has been recovered from conscious possession of the petitioner or from his house / filed and petitioner has falsely been implicated in the present case. He has further argued that after petitioner was made accused in the present case , in a subsequent case also on the basis of confession petitioner has been made accused.

In view of the the facts and circumstances the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail. Accordingly in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Dhanu Mishra be enlarged on 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 Special Judge, Excise , Bettiah at West Champaran / concerned court in connection with Bairiya P.S. Case No. 152 of 2017 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure , 1973 .

(Rakesh Kumar, J)

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