

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42300 of 2018**

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Virendra Mishra, Son of Vikrama Mishra @ Bigu, resident of Village  
Ritha, P.S. Ekma, District- Saran at Chapra.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      17-07-2018      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case  
registered under Sections-120B/34 of the Indian Penal Code and  
Sections-30, 38 & 41 of the Bihar Excise Act.

The prosecution case, in short, is that 693 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. The name of  
petitioner has transpired as the alleged recovery is made from the  
truck in question. Except for this, there is no other substantive  
evidence to suggest the implication of the petitioner in this case. It  
is alleged that 693 liters wine is recovered from the truck of the



petitioner. The said truck is run by driver of the petitioner as a public carrier. The goods booked by the transporter is not known to the petitioner. 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.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

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 six 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 6<sup>th</sup> Additional Sessions Judge, Saran at Chapra in connection with Ekma P.S. Case No. 167 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V./-

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