

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46469 of 2018

Arising Out of PS.Case No. -217 Year- 2016 Thana -EKMA District- SARAN

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Birendra Mishra, S/O Late Vikrama Mishra @ Bigu, R/V- Rith, P.S. Ekma,
District-Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rabindra Kumar Tiwari, Advocate.

For the Opposite Party : Mr. S. Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 31-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 120(B)/34 of the IPC, 30(a),
38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 232.5
liters wine is said to have been recovered.

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 that total
232.5 liters wine is recovered from three different places including
vehicles. None of the places including vehicles belongs to the
petitioner. The name of the petitioner has come on the basis of



disclosure made by co-accused Dharmendra Mishra @ Dharmendra Kumar Mishra. 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.

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, let the petitioner above named, in the event of arrest or 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 the learned 6th Additional Sessions Judge, Saran at Chapra, in connection with Ekma P.S. Case No. 217 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)