

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13113 of 2018

Arising Out of PS.Case No. -217 Year- 2017 Thana -GORIAKOTHI District- SIWAN

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Ashok Mishra, Son of Late Parsuram Mishra, Resident of village – Usari,
Police Station – G. B. Nagar, District-Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate.

For the Opposite Party/s : Mr. Parmanand Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 06-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Goreyakothi P.S. Case
No. 217 of 2017 registered under Sections 30(1) and 41(1) of the
Bihar Prohibition and Excise Act, 2016.

3978 litres of foreign liquor is said to have been
recovered from the truck near Baba Hotel and the petitioner
standing beside the truck was apprehended while other accused
persons managed to escape.

It is submitted by learned counsel for the petitioner that
no incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern either
with the aforesaid truck or hotel or with the seized liquor. As a
matter of fact, he was standing in the market where the truck was



parked and the police falsely implicated the petitioner in the case merely on suspicion. He has no criminal antecedent. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring his confessional statement before the police which has no evidentiary value in the eye of law. Similarly situated co-accused, namely, Prakash Tiwary @ Loha Tiwary has been enlarged on bail by a co-ordinate bench of this court vide order dated 19.12.2017 passed in Cr. Misc. No. 58104 of 2017. He has been languishing in custody since 07.10.2017.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge, Siwan in connection with Goreyakothi P.S. Case No. 217 of 2017.

(Prakash Chandra Jaiswal, J)

Mishra/-

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