

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62913 of 2018

Arising Out of PS.Case No. -360 Year- 2017 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Shivendra Kumar Mishra, S/O Dr. Brajeshwar Mishra, R/V- Padrauna, P.S.
Kuber Nath, District- Kushinagar, Uttar Pradesh.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party : Mr. Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-10-2018

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 30(d), 35 and 41 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 49,300
liters spirit is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 49,300 liters spirit is recovered from
the Tanker parked at R.K. Petrol Pump. The petitioner is not
named in the F.I.R. His name has come in course of investigation



on the basis of suspicion raised against the petitioner. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present 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. Other co-accused persons have been granted anticipatory bail by this Court vide Cr. Misc. No. 61478 of 2017 order dated 15.12.2017 and Cr. Misc. No. 27759 of 2018 order dated 15.05.2018

On behalf of the State, it is submitted that the petitioner is not 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 Special Judge, Excise, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 360 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

