

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72658 of 2018

Arising Out of PS. Case No.-244 Year-2018 Thana- BARHARIA District- Siwan

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Sudhakar Mishra @ Sudhakar Misir, s/o- Vijay Mishra, r/o- village Bindusar
Hamid, Benusar, P.S.- Siwan Muffasil, 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
For the Opposite Party/s : Mr. Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273, 308, 34 of the Indian Penal Code and 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 57.6 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 the petitioner has transpired as the tempo in question belongs to the petitioner. The said tempo is run as taxi by the driver of the petitioner. Except for this, there



is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 57.6 liters wine is recovered from the tempo in question. 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/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 2nd Additional Sessions Judge-cum- Special Judge, Siwan in connection with Barhariya P.S. Case No. 244 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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