

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10602 of 2019

Arising Out of PS. Case No.-131 Year-2014 Thana- VIJAYEPUR District- Gopalganj

Ashok Kumar Mishra @ Ashok Mishra, S/o Ramjee Mishra R/o Vill.- Sah
Digree, P.S.- Vijaipur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Opposite Party/s : Mr.Ahtasham Ali Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2019 Heard learned counsels for the petitioners and the
State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and 47(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the FIR is to the effect that from a specious room, situated in the orchard of the petitioner, 10 litres of illicit country made liquor were recovered.

It is submitted by learned counsel for the petitioner that recovery has been made from an open place. The alleged room has no door, which also gets reflected from the seizure list. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made from



the room situated in the orchard of the petitioner.

Considering the fact that the recovery has been made from an open place, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-II-cum-Special Judge, Excise, Gopalganj in connection with Vijaipur P.S. Case No. 131 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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