

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18842 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- BHAIKAVSHTHAN District-
Madhubani

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SAROJ MISHRA Son of Kamlu Mishra R/o Village- Pattitol, P.S.-
Bhairavsthan, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is expected to honour
his undertaking to remove the defects, as pointed out by the office,
when called upon to do so by the office.

The petitioner is/are apprehending his/their arrest in
connection with Bhairavsthan P.S. Case No. 125 of 2020 for the
offence registered under Sections 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution case in brief is that huge quantity of
liquor was recovered from the car bearing Registration No. UP16CT-
0458.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in connection with the present



case due to ulterior motive. It is further submitted that nothing has been recovered from the conscious and constructive possession of the petitioner. It is further submitted that the alleged car belongs to co-accused, namely, Radheshayam Mishra. It is further submitted that name of the petitioner came into light on the confessional statement of co-accused, Radheshayam Mishra, which has no evidentiary value. Petitioner has no criminal antecedent and the petitioner was not apprehended on the spot.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his/their arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II cum Special Judge (Excise) Madhubani in connection with Bhairavsthan P.S. Case No. 125 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

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