

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42629 of 2021

Arising Out of PS. Case No.-444 Year-2019 Thana- BARHARIA District- Siwan

RISHABH MISHRA @ VISHU S/o Late Upendra Mishra @ Chandrashekhar
Mishra R/o village- Kail Khurd, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-12-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Barharia P.S. Case No. 444 of 2019 for the offence registered under Sections 272, 273, 308/34 of the Indian Penal Code and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1356.480 litres of illicit liquor from a Scorpio vehicle, a motorcycle and from the orchard of one Gaurishankar Singh.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 19.05.2021. The learned counsel for the



petitioner has submitted, by referring to paragraph-6 of the present petition, that neither the Scorpio vehicle nor the motorcycle in question belongs to the petitioner and the orchard apparently belongs to one Gaurishankar Singh, hence the petitioner cannot be saddled with the liability of the seized illicit liquor. The learned counsel for the petitioner has further submitted that a co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 28.02.2020 passed in Criminal Misc. No. 11155 of 2020.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the vehicle in question as also the orchard in question does not belong to the petitioner and no recovery has been made either from the conscious possession of the petitioner or from his house, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (Excise), Siwan in connection with Barhariya P.S. Case No. 444 of 2019.

(Mohit Kumar Shah, J)

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