

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27137 of 2021

Arising Out of PS. Case No.-390 Year-2019 Thana- TAJPUR District- Samastipur

=====

Guddu Mishra @ Navin Kumar Mishra Son Of Bhagwan Narayan Mishra
R/O Village- Mubarakpur, P.S- Musrigharari Dist- Samastipur
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur
For the Opposite Party/s : Mr. Pushpa Sinha.1

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP 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 instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Tajpur P.S. Case no. 390 of 2019 instituted for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Prosecution case relates to recovery of 8.64 litres
country made wine from the house of co-accused Arun Mahto,
who has disclosed the name of the petitioner.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has no concern with the alleged recovery. The name of the petitioner has been disclosed in the present case by co-accused Arun Mahto, which has no evidentiary value in the eye of law. Neither the petitioner was arrested from the spot nor any recovery has been made from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that three criminal cases are pending against the petitioner.

Having heard learned counsel for the parties and taking into consideration that the petitioner is a habitual offender, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

