

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42664 of 2022

Arising Out of PS. Case No.-227 Year-2018 Thana- GUTHANI District- Siwan

Saroj Mishra S/O Late Raj Narayan Mishra Resident of village- Mishrauli,
P.S.- Guthani, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 30(a), 38(i)
and 41(i) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 164.16 liters of illicit English liquor.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case on the basis of disclosure made by
the co-accused persons, namely, Rakesh Mishra and Hemant
Kumar Mishra. He further submits that nothing has been



recovered from the conscious possession of the petitioner and the petitioner has been falsely implicated in the present case because he is father of the co-accused, namely, Satyam Mishra. He further submits that the recovery has been made from the vehicle in question which is registered in the name of the co-accused, namely, Satyam Mishra who happens to be the son of the petitioner. He further submits that co-accused, namely, Satyam Mishra has already been granted anticipatory bail vide order dated 11.01.2019 passed in Cr. Misc. No. 78839 of 2018 and the case of the petitioner is on similar footing.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Court below where the case is pending in connection with Guthani P.S. Case No. 227 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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