

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43951 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- BARH District- Patna

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PAPPU PANDEY @ ANIL MISHRA Son of Ramesh Kumar Mishra Resident
of village - Talimpur Machal Hatta, P.S.- Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Barh P.S. Case no. 115 of 2021 instituted for the offence
under Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 49 litres of
IMFL from the house of co-accused Suman Kumar Sharma..

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Petitioner has no concern with the alleged recovery or
with the place of occurrence. The name of the petitioner has
been disclosed in this case by the apprehended co-accused,
Suman Kumar Sharma before the police, which has no



evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Barh P.S. Case no. 115 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Barh, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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