

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28391 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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MISHIR SRIVASTAWA @ DIVYANSHU KUMAR SON OF RAKESH
KUMAR @ RAKESH SRIVASTAWA RESIDENT OF VILLAGE
LAUKHAN(LALA TOLA), P.S. - GHORASAHAN, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a),
41(i) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 210 liters of liquor from two motorcycles as detailed
in the FIR.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing
was recovered from his conscious possession, it is next



submitted that he came to be implicated based on the confessional statement of co-accused in police custody which does not have any evidentiary value, it is further submitted that petitioner is not the owner of any of the vehicles and is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kundwachainpur P.S. Case No. 129 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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