

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63386 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- MADHEPUR District- Madhubani

MADHAV MISHRA @ MADHAVNAND MISHRA S/O PARMANAND
MISHRA R/O VILL- TARDIHA, P.S- MADHEPUR, DISTT.-
MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Madhepur P.S. Case No. 105 of 2023 dated 06.05.2023,
instituted for the offence punishable under Sections 272 and 273
of the Indian Penal Code and Section 30(a), 47 of the Bihar
Prohibition and Excise (Amendment) Act.

3. The prosecution case, in short, is that in the course
of vehicle checking alleged persons, who were going on a silver
colour car with broken number plate bearing Reg. No. DL9CK9,
on noticing the police party fled away after throwing the plastic
sack containing illicit wine. In course of search, 57 litres of
country made wine was recovered from roadside which was
situated in front of the house of Bathu Yadav.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered



from the conscious possession of the petitioner or from the house of the petitioner. Only on the disclosure made by local *Chowkidar*, the petitioner has been made accused in this case. It is submitted that the owner of the vehicle, namely, Mritunjay Mishra has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 19.08.2023 passed in Criminal Miscellaneous No. 52819 of 2023 Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Madhepur P.S. Case No. 105 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Jhanjharpur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

prabhat/-

U		T	
---	--	---	--

