

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61662 of 2023**

Arising Out of PS. Case No.-183 Year-2022 Thana- BHAIKAVSHTHAN District-  
Madhubani

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AASHISH MISHRA S/O PAWAN MISHRA VILLAGE- VIJAY GAON,  
SALEMPUR, PS- PANDAUL, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate  
For the Opposite Party/s : Mr. Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      21-09-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner seeks bail, who is in custody since  
23.06.2023, in connection with Bhairab Asthan P.S. Case No. 183  
of 2022, F.I.R. dated 01.10.2022 registered for the offences  
punishable under Sections 34, 420, 467, 468, 471 of the Indian  
Penal Code and Sections 30(a), 32, 36, 41 of the Bihar Prohibition  
and Excise Act, 2022.

3. Recovery is of 1548 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that  
the petitioner has clean antecedent and he has been falsely  
implicated in the present case. He further submits that the name  
of the petitioner has been transpired on the basis of disclosure  
made by co-accused person namely Shivam Thakur and nothing



has been recovered from the conscious possession or the house of the petitioner. He further submits that except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner is in custody since 23.06.2023.

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

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released 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 Judge Excise Act, Jhanjharpur, District- Madhubani in connection with Bhairab Asthan P.S. Case No. 183 of 2022, subject to the 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



witness, 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 antecedents, 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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