

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65506 of 2022

Arising Out of PS. Case No.-541 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Anand Kumar Mishra, aged about 25 years, male, S/O Baliram Mishra Resident of Village- Shahpur, P.S.- Nauhatta, District- Rohtas.
2. Rishi Kant Mishra @ Rishi Kant Kumar, aged about 19 years, S/O Ashok Mishra Resident of Village- Shahpur, P.S.- Nauhatta, District- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Binod Murari Mishra, Adv.

For the State : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Mohania PS Case No. 541 of 2022 registered for the offence punishable under Section 414 of the Indian Penal Code and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Amendment Act.

Having no antecedent, it is submitted that the petitioners are in custody since 12/10/2022 on alleged recovery of 129.60 litres illicit liquor from the car in which the petitioners were travelling.

Learned counsel for the petitioners submits that it is a case of false implication. The recovery is not supported by a seizure memo, prepared in accordance with law, and petitioners have been fastened the criminal liability of recovery made from another place. Recovery is denied and disputed by the petitioners' counsel.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions



advanced by the parties, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise No.1-cum A.D.J. IV, Kaimur at Bhabhua, in connection with Mohania PS Case No. 541 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners. (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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