

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5043 of 2023

Arising Out of PS. Case No.-151 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

MUNNA PANDEY @ MANISH MISHRA Son of Sunil Mishra R/V-
Raghunathpur, P.S- Karakat, Dist- Rohtas at Sasaram

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Awnish Kumar, Advocate
For the Opposite Party : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defect(s) as pointed out by the office within a period
of four weeks.

The petitioner is apprehending his arrest in a case
registered under Section-414/34 of the Indian Penal Code and
Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 993.26 liters
wine is recovered.

It has been submitted on behalf of the petitioner that
that the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The police is said to have identified the petitioner



while he was fleeing away. The said police was not known to the petitioner nor the petitioner is known to the police. Hence the identification made by the police appears to be doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 993.26 liters wine is recovered from a Bolero. The Bolero, in question does not belong to the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional



Sessions Judge-cum-Special Judge, Excise, Kaimur at Bhabua
in connection with Durgawati P.S. Case No. 151 of 2021,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

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