

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78082 of 2023

Arising Out of PS. Case No.-396 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

NIKHIL MISHRA S/O VINAY MISHRA R/O VILLAGE- SIRSI, P.S-
NANPUR, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 120(B), 471, 34 of the Indian Penal Code and Section 30(a), 32, 36, 41(1) of the Bihar Prohibition & Excise Act.

3. Altogether 2851.125 litres of foreign liquor has been recovered from the seized container truck. The driver of the seized truck was apprehended on the spot and disclosed the name of the petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either



with the seized liquor or place of recovery or any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He was neither the owner nor the driver of the seized truck. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has three criminal antecedents, two of them are of similar nature that of the present case.

5. Petitioner is agreed to deposit a sum of Rs. 1,00,000.00 (Rupees One Lac) in account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in



connection with Runisaidpur P.S. Case No. 396 of 2023,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative,
preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any
similar offence till conclusion of the trial.

7. The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of the
aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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