

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4259 of 2024

Arising Out of PS. Case No.-181 Year-2019 Thana- BAISI District- Purnia

Shailendra Kumar Mishra, Son of Umesh Chandra Mishra, Resident of
Village- Babhani Bhelwa, P.S. - Gamharia, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 07-02-2024 Heard Mr. Chandra Shekhar Singh, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Baisi P.S. Case No. 181 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

3. The police in course of vehicle checking intercepted a Scorpio vehicle, which was moving without any registration number and broken windows. The apprehended driver and the persons, who were seated in the vehicle, disclosed the name of Bhawesh Kumar and Milan Kumar. On the basis thereof, the co-accused Bhawesh Kumar and Milan Kumar were



arrested and from whose possession, huge quantity of illicit liquor was recovered.

4. It is further alleged that the apprehended co-accused Bhawesh Kumar in his confessional statement disclosed the name of other persons, including the name of one Ram Kumar Bhagat, who used to manage the police. The call details report suggests that the Ram Kumar Bhagat was always in touch with the petitioner and other police personnel, thereafter the name of the petitioner has sprung up in this case.

5. It is submitted on behalf of the petitioner that on the basis of the aforesaid material, enquiry was conducted at the Department level and the S.D.P.O., Araria submitted the enquiry report to the Superintendent of Police, Araria that there is no evidence against the petitioner, except the call details report, which is not in itself the conclusive proof. The enquiry report has been brought on record by way of Annexure-3 to the application. He next submits that the departmental proceeding against the petitioner, as per his instruction, is still going on and in case the charges would be found proved, the petitioner would be punished departmentally. Moreover, the entire case is based on the call details report and there is no any other incriminating material suggesting the complicity of the petitioner. He next



submitted that the petitioner is said to be the then S.H.O. of Araria police station and he undertakes that he will fully cooperate in the investigation or in the proceedings of the court and would not indulge in tampering with the evidence or intimidating the witnesses.

6. On the other hand, learned APP for the State opposes the bail application and submits that the call details report suggests that the petitioner and the accused persons were hand in gloves.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the enquiry conducted by the S.D.P.O. suggests only the call details report and there is no other incriminating material against the petitioner, moreover, he is facing departmental proceeding, apart from the fair antecedent and the fact that the petitioner is a public servant, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Purnea in connection with Baisi P.S. Case No. 181 of 2019,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner and in case the petitioner is found indulged in tampering with the evidence and intimidating the witnesses, the informant shall be at liberty to file proper application for cancellation of the bail bonds of the petitioner.

(Harish Kumar, J)

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