

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84329 of 2024

Arising Out of PS. Case No.-376 Year-2021 Thana- NAWADA District- Nawada

Satyendra Pandit @ Satyendra Mishra @ Satyendra Kumar Mishra, Son of
Late Sachidanadanad Mishra, Resident of Village - Budhaul, P.S. - Nawada
Town, District – Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-01-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR

and apprehending his arrest in connection with Nawada

Town P.S. Case No.376 of 2021 registered under Sections

33, 34 and 36 of the Bihar Prohibition and Excise Act,

2016.

3. According to F.I.R., prosecution story in short

is that the informant Ramchandar Prasad, A.S.I. is

investigating officer of Nagar P.S. (U.D.) Case No.17 of

2021 dated 01.04.2021, during the course of investigation

of that case, on the basis of statement of informant and its

witnesses, came to know that the informant Sunita Devi's



husband Late Prabhakar Gupta died due to drinking of spurious liquor. In investigation, it further came to his knowledge that the deceased Prabhakar Kumar Gupta had purchased wine from Usha Devi and drink it on 29.03.2021.

4. Learned counsel appearing for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that petitioner is not named in the F.I.R. The name of petitioner has transpired on the basis of confessional statement of co-accused, namely, Usha Devi. Learned counsel further pointed out that nothing incriminating has been recovered from conscious physical possession or from the house of petitioner and except suspicion arising out of confessional statement of co-accused persons, nothing incriminating recovered/surfaced during the course of investigation against the petitioner. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail.

5. Learned APP opposes the prayer of anticipatory



bail of the petitioner.

6. In view of the aforesaid factual submissions, as nothing *prima facie* incriminating has been recovered from conscious physical possession or the house of the petitioner, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Nawada in connection with Nawada Town P.S. Case No.376 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC./under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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