

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25557 of 2022**

Arising Out of PS. Case No.-51 Year-2022 Thana- BAUNSI District- Banka

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ASHISH MISHRA @ SONI Son of Late Akhilanand Mishra @ Late Akhalanand Mishra Resident of village - Shyam Bazar, P.S.- Bounsi, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      06-08-2022                      Heard learned counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with Special Excise No. 228 of 2022 (arising out of Bounsi P.S. Case No. 51 of 2022) registered under Sections 30(a), 32(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

The case of the prosecution, in brief, is that on 03.03.2022, the informant along with other police official on suspicion stopped the bus and on search 315 liters of illicit liquor was recovered. Accordingly, the FIR was lodged and the



petitioner has been taken into custody.

Learned counsel for the petitioner submits that 315 liters of illicit foreign liquor was recovered/seized from a bus while it was moving from Jharkhand to Bihar. As the police recovered/seized the same material, all the passengers sitting inside disowned the said recovery and whereafter the police allegedly involved both the driver and the conductor of the said bus, the petitioner being one of them. Further submission is that due to the said false implication, not only he has lost his livelihood, is in jail since 04.03.2022 (as stated in paragraph-12 of the bail application) despite the fact that he has no criminal antecedent.

Considering the fact that the recovery/seizure has been shown to be from the bus, merely because the petitioner was the conductor of the bus, the said seizure has been attributed to him, he has no criminal antecedent and the charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge – II, Banka in connection with



Special Excise No. 228 of 2022 arising out of Bounsi P.S. Case  
No. 51 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of  
the petitioner, who shall provide official document to show  
his/her *bona fide*;

(ii) the petitioner shall appear on each and every date  
before the Trial Court and failure to do so for two consecutive  
dates without plausible reasons will entail his cancellation of  
bail by the Trial Court itself;

(iii) he shall appear before the concerned police  
station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any  
criminal offence again failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is  
allowed.

**(Rajiv Roy, J)**

Jagdish/-

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