

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52819 of 2023**

Arising Out of PS. Case No.-105 Year-2023 Thana- MADHEPUR District- Madhubani

Mritunjay Mishra @ Mritunjay Kumar Mishra, S/O Hareram Mishra, R/O  
Village- Tardiha, P.S- Madhepur, Distt.- Madhubani, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      19-08-2023                      Heard Mr. Madhav Kumar, learned counsel appearing  
on behalf of the petitioner and the learned Additional Public  
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection  
with Madhopur P.S. Case No. 105 of 2023, registered for the  
offences punishable under Sections 272 and 273 of the Indian  
Penal Code and Sections 30(a) and 47 of the Bihar Prohibition  
and Excise (Amendment) Act, 2018.

3. In course of vehicle checking, allegedly, the  
persons who were going on a silver coloured car with broken  
number plate bearing Registration No. DL9CK9, on noticing the  
police party fled away after throwing the plastic sack containing  
the illicit wine. In course of seizure, 57 litres of country made  
wine was recovered.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been made accused in this case in the capacity of the owner of the car, however, admittedly neither the car was seized from the place of occurrence nor any incriminating material has been recovered from the whereabouts of the petitioner which suggested his complicity in the present crime. However, only on account of his criminal antecedent of two cases, his name has been implicated in this case. He next submits that even at the place of occurrence no one had seen the petitioner nor he has been named in the FIR, however, in course of search, the vehicle has been recovered from the house of the petitioner without any other incriminating material, thus, his name has been implicated in this case.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been made accused in this case only in the capacity of the owner of the vehicle from where no incriminating material has been recovered and, moreover, the petitioner was not found present at the place of occurrence. That apart, he is already on



bail in other two criminal cases, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Jhanjharpur in connection with Madhopur P.S. Case No. 105 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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