

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18120 of 2024

Arising Out of PS. Case No.-216 Year-2023 Thana- ASHOK PAPER MILL District-
Darbhanga

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1. Brij Nandan Mishra @ Man Singh SON OF LATE SATYADEO THAKUR
RESIDENT OF VILLAGE- PATOR, PS- APM (PATOR OP), DIST-
DARBHANGA
 2. VIVEK KUMAR @ VIVEK KUMAR MISHRA SON OF BRIJ NANDAN
MISHRA @ MAN SINGH RESIDENT OF VILLAGE- PATOR, PS- APM
(PATOR OP), DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad
For the Opposite Party/s : Ms. Asha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-03-2024 1. Heard learned counsel for the petitioners and learned
A.P.P. for the State.
2. The learned counsel for the petitioners seeks permission
to withdraw the anticipatory bail application with respect to
petitioner no.1 (Brij Nandan Mishra @ Man Singh).
3. Permission is accorded.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
71.64 litres of liquor from husk house of Brij Nandan Mishra. It is



next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated merely for the reason that he is son of Brij Nandan Mishra. It is further submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with as such it cannot be alleged with certainty that it was petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ashok Paper Mill (APM) P.S. Case No.216/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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