

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53223 of 2024**

Arising Out of PS. Case No.-140 Year-2024 Thana- Excise P.S. District- Samastipur

Munna Mishra @ Diwakar Kumar Mishra Son Of Late Ajay Kumar @ Ajay  
Mishra Village- Dhrubgama, Ward No. 06, Ps- Kalyanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      28-08-2024                      Heard the parties

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Sadar Excise Samastipur P.S. Case No. 140 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 3.960 litres of foreign made liquor

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner was found involved



in present case only on the basis of confessional statement of co-accused Suman Kumar @ Prabhakar Kumar Mishra and as such admittedly there is no recovery of illicit liquor from the conscious physical possession of the petitioner who is a man of clean antecedents. It is also submitted that the seizure list witnesses are police constables.

5. Learned APP, opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of the fact that no recovery of alleged illicit liquor appears to be made from the conscious physical possession of this petitioner, accordingly petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-2, Samastipur /concerned Court, where the case is pending in



connection with Sadar Excise Samastipur P.S. Case No.  
140 of 2024, subject to the conditions as laid down  
under Section 438(2) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Sudha/-

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