

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16769 of 2025

Arising Out of PS. Case No.-191 Year-2024 Thana- SONBERSHA RAJ District- Saharsa

Gaurav Jha @ Gaurav Kumar Mishra @ Gaurav Mishra Son of Bablu Jha @
Bablu Mishra Resident of Village - Lagma, P.S. - Sonbarsha Raj, District -
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Amarnath Jha, Adv.
For the State	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 07-08-2025 Heard Mr. N.K. Agarwal, learned senior counsel for the
petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. A perusal of the FIR as also the seizure list would go to show the recovery of 865.125 litres of illicit liquor from the seized truck and also that the driver was apprehended on the spot.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in this case on account of the disclosure made by the apprehended driver that he had been told by one Santosh Singh of Dumka to give the liquor to this



petitioner. However, it is totally denied that the petitioner has ever been involved in such transaction and neither the truck nor the seized liquor belongs to the petitioner. No recovery was made from his physical and conscious possession. It is further submitted that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure. He also draws the attention of this Court towards the fact that this petitioner has no criminal antecedent prior to this case, however, after lodging of the present case, he has been made accused in two other cases which has been brought on record by way of supplementary affidavit.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Petitioner has offered to deposit a sum of Rs.5000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

7. Considering the entire facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of



his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Sonbarsa Raj P.S. Case No. 191 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the following conditions that:

(I) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related with the petitioner.

(II) The learned Court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the learned Court below shall take steps for cancellation of bail bonds of the petitioner. However, it is expected that the verification process would be done expeditiously without causing delay, preferably within two weeks from today.

(III) The petitioner would appear before the Investigating Officer of the concerned Police Station till investigation is pending against him.

8. However, it is made clear that the bail bond of the



petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Soni Shrivastava, J)

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