

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18810 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- EXCISE PATORI District- Samastipur

Jay Prakash Mishra S/O Umakant Mishra Village- Ward No. 03, Udapatti
Bathua Bazurg, P.S.- Musrigharari, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Adv.

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Patori Excise P.S. Case No. 7 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The prosecution is that upon search of a truck, 1827 litres of foreign liquor was recovered concealed within the bags of rice.

4. The learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has surfaced on account of the fact that the petitioner is the owner of the alleged truck, however, it has been submitted that the truck was found in an abandoned condition and a report from the Superintendent of Police, Samastipur shows that while the confiscation proceeding



has been initiated with regard to bags of rice, the liquor has been seized. It has been submitted by the petitioner that he has no knowledge, as to who committed the alleged mischief by keeping liquor on the said truck. However, there is no recovery from the physical and conscious possession of the petitioner and the seizure list also does not bear the signature of independent witnesses, thereby violating the mandatory provisions of search and seizure.

5. Learned A.P.P. appearing for the State opposes grant of anticipatory bail on the ground of recovery of liquor from the truck of the petitioner.

6. Petitioner has offered to deposit a sum of Rs. 25,000/- (Rupees Twenty 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 and produce a receipt thereof at the time of filing bail bonds.

7. Considering the facts and circumstances, let the petitioner, above named, having no criminal antecedent, 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 Special Judge (Excise)-2, Samastipur, in connection with Patori Excise P.S. Case



No. 7 of 2025, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure/482(2) of the
B.N.S.S., 2023.

(Soni Shrivastava, J.)

Jyoti Kumari/-

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