

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35028 of 2025

Arising Out of PS. Case No.-321 Year-2024 Thana- BELHAR District- Banka

Rakesh Kumar @ Rakesh Kumar Mishra S/o Devendra Mishra Resident of
Village- Nainha, P.S.- Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No. II, Advocate Ms. Priyanka Kumari, Advocate Ms. Anjana Gupta, Advocate
For the Opposite Party/s :		Mr. Nagendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 01-07-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Belhar P.S. Case no.321 of 2024 registered under Section
30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

3. A perusal of F.I.R and seizure list would show that
928.440 liters of foreign liquor was recovered from a Tata 407
vehicle which was left on the road and the accused persons had
fled away.

4. Learned counsel for the petitioner submits that the
petitioner was not named in the F.I.R and subsequently from
chechis number, the name of the petitioner as owner of the said
vehicle surfaced. It has further been stated in paragraph 8 of the
petition that petitioner had earlier sold his motorcycle to one



Awadesh Sah and the petitioner has no concern with the alleged liquor. No recovery has been made from the physical or conscious possession of the petitioner. There is no independent witness to the seizure list and hence, mandatory provisions of search and seizure have been violated. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. In view of the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Belhar P.S. Case no.321 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

Harsh/-

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