

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55618 of 2025

Arising Out of PS. Case No.-278 Year-2025 Thana- NAANPUR District- Sitamarhi

Monu Kumar S/o Lal Babu Mishra Resident of village- Janipur, P.S.- Nanpur,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, 4.875 litres of illicit
liquor kept in jute sack was recovered from the house of co-
accused Aman Kumar @ Aman Ashok Mishra who was
apprehended on spot and disclosed that this petitioner and other
accused persons were fled away from the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case on the basis of disclosure made by co-accused Aman
Kumar @ Aman Ashok Mishra. Further submission is that
petitioner has no concern with the seized illicit liquor or the said



co-accused. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Sections 103 and 105 of the B.N.S.S., as the witnesses of the seizure list are not independent witnesses rather they are members of raiding team. Similarly situated co-accused Satyam Kumar @ Sudhanshu Kumar @ Sudhanshu has already been granted anticipatory bail by this Court *vide* order dated 27.08.2025 passed in Cr. Misc. No. 55203 of 2025. Petitioner has two criminal antecedents which do not belong to the Excise Act and in both the cases, petitioner is on bail. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Sitamarhi in connection with Nanpur P.S. Case No. 278 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023 with



further conditions:-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bond;

(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bond.

(Sunil Dutta Mishra, J)

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