

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59364 of 2025

Arising Out of PS. Case No.-327 Year-2024 Thana- Excise P.S. District- Madhubani

Murli Mishra @ Murli Mishr Son of Haridev Mishra R/o Village-ward no. 3,
Pali utarvari tol, P.S-Benipatti, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Pallavi, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Sadar Excise P.S. Case No. 327 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that upon information, an E-rickshaw was intercepted and there is recovery/seizure of 108 liter Nepali country made liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that although he purchased the E-rickshaw on loan, as the repayment could not be done, it was seized by the Finance Company, when the alleged occurrence took place, he had no role to play. The



petitioner do not have criminal antecedent and further, without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 5,000/- to the District Legal Services Authority, Madhubani for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the submissions of the parties as also the fact that the petitioner do not have criminal antecedent, it has been submitted that it was seized by the Finance Company, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 5,000/- to the District Legal Services Authority, Madhubani for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial



Court by the DLSA Madhubani.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, (Excise Court), Madhubani in connection with Sadar Excise P.S. Case No. 327 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) 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;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

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

8. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Madhubani for his/her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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