

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79735 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Excise P.S. District- Jamui

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Satish Mishra @ Satish Kumar Mishra S/O Late Ram Sajiwan Mishra
Resident of Mohallah- Bokaro Transport Agency, Above Kanchan Sweets,
Rajendra Path, Pirmuhani, P.S- Kadamkuan, District- Patna (Bihar). At
present residing at 401, Impirial Supertech Estate, Sector-9, Vaishali, P.S and
Dist.- Ghaziabad, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Adv.
For the State	:	Mr. Mritunjay Kumar Nirala, APP.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 24-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act, 2022.

3. From a perusal of the FIR as also the seizure list, it
would be evident that 79.470 litres of foreign liquor had been
recovered from a truck which was seized and the driver was
also taken into custody.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR and his name has surfaced in
the present case on account of the fact that he is the owner of



the Bokaro Transport Agency, Kolkata and it is stated that the seized truck was loaded at the transport agency at Kolkata. Learned counsel further submits that at the time of loading of the said truck, the petitioner was not present and he denies the fact that any liquor was loaded on the said vehicle. It is further submitted that the truck does not belong to the petitioner and it seems that the driver of the truck was responsible for the recovery and the petitioner has nothing to do with the seized liquor. Further submission is that no recovery has been made from conscious or physical possession of the petitioner.

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

6. Considering the facts and circumstances of the case and particularly that no recovery has been made from conscious or physical possession of the petitioner, I am inclined to grant the privilege of anticipatory bail to the petitioner, who has no criminal antecedent. 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 learned Exclusive Special Judge, Excise-II, Jamui in connection with Jamui Excise P.S. Case No.



JAM P.S. Case No. 30 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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