

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79607 of 2025

Arising Out of PS. Case No.-411 Year-2025 Thana- MIRGANJ District- Gopalganj

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Ankit Kumar Mishra Son of Kamaleshwar Mishra Resident of Village
-Thakur Ka Rampur, PO -Kilpur, PS- Nautan, Dist -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-12-2025 Heard Mr. Dhananjay Kumar Shahi, learned counsel

appearing on behalf of the petitioner and Mr. Ramesh Chandra,

learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Mirganj P.S.Case No.411 of 2025, registered for the offences

punishable under Section 317 (5) of BNS and Section 30(a) of

Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, total 513.600

ltrs. illicit liquor has been recovered from a Creta Car bearing

Registration No.BR 01 CZ 6912.

4. Learned counsel appearing on behalf of the

petitioner submitted that petitioner is innocent and he has falsely

been implicated in the present case. Admittedly, at the time of

the alleged seizure and recovery of illicit liquor, petitioner was

not present at the place of the occurrence and he has been made

accused in this case, being the owner of the Car, in question,

which had been given by the petitioner in good faith to the



Driver to be used on rent and the petitioner had no idea that the illicit liquor is being carried by his Car. Petitioner has clean antecedent. Petitioner is the registered owner of the vehicle and such information has been given in paragraph no.8 of the bail application.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, petitioner has clean antecedent and I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, 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 Additional District and Sessions Judge IV cum Exclusive Special Excise Judge II, Gopalganj in connection with Mirganj P.S. Case No.411 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.



8.The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

9. The Superintendent of Police, Siwan is directed to send a report to the Chief Secretary, Government of Bihar, as to why, he has become inefficient in implementing prohibition within his jurisdiction and why not any action has been taken against the concerned SHO, from whose jurisdiction, huge quantity of illicit liquors were recovered.

(Purnendu Singh, J)

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