

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11454 of 2026

Arising Out of PS. Case No.-2108 Year-2025 Thana- Excise P.S. District- Muzaffarpur

1. Gaurav Mishra S/o Ganesh Mishra R/o Village - Mohammadpur Shivram, Ward No. 12, P.S - Sakra, District - Muzaffarpur
2. Sajjan Kumar S/o Dev Lal Ram R/o Village - Mohammadpur Mohan, Ward No. 14, P.S - Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Adv

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 19-03-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 2108 of 2025 registered for the offence punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act, 2016.

3. The case of the prosecution, in short, is that upon receiving a secret information, the informant and his team conducted checking of vehicles. On 19.12.2025, during checking, a suspicious truck and a white XUV-500 were noticed. On seeing the police team, the persons tried to flee but four were apprehended. On query, they disclosed that the truck



was carrying cartons of illegal foreign liquor which were being unloaded and loaded into a white XUV-500 vehicle. On search, 224.640 liters of foreign liquor and a Oppo mobile were recovered from the truck and 259.200 liters of foreign liquor was recovered from the white XUV-500 vehicle. Total 483.840 liters of foreign liquor was recovered from both vehicles.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that that the petitioners were apprehended merely on the suspicion. The petitioner no. 1 is the driver and petitioner no. 2 is the owner of XUV-500 vehicle. He further submits that the petitioners have no criminal antecedent.

5. Learned APP appearing for the State opposes the prayer for regular bail of the petitioners.

6. Considering the fact that the petitioners have clean antecedent and they have remained in custody since 20.12.2025 and further the fact that the search and seizure memo has not been signed by two independent witnesses, which put a question mark over the legality and validity of the seizure itself, as also the fact that other co-accused persons namely, Viplav Chaterji and Mirinmoy Das have already been granted bail vide order dated 24.02.2026 passed in Cr. Misc. No. 12723 of 2026, this



Court is inclined to grant privilege of bail to the petitioners.

7. Accordingly, let the petitioners, named above, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise P.S. Case No. 2108 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be his close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the Court concerned.

8. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

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