

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29185 of 2026

Arising Out of PS. Case No.-101 Year-2019 Thana- KOPA District- Saran

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Birendra Mishra @ Virendra Mishra S/o Vikram Mishra R/o Village - Rith,
P.S.- Ekma, District- Saran. At present- T-31, East Mehram Nagar, Palam
Airport, Moradabad Pahari, Delhi Cantt, South West Delhi, Delhi- 110010.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Advocate

For the Opposite Party/s : Mrs.Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Kopa PS. Case No. 101 of 2019 dated 6.7.2019 instituted under
Sections 30(a)/45 of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 561.27 litres of
illicit foreign liquor from a truck bearing Reg. No. UP-50BT
2633 parked near the poultry farm of co-accused Vikash Singh.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that no incriminating article
has been recovered either from the conscious possession of the
petitioner or from his house. It is further submitted that the



alleged recovery of illicit liquor was made from a truck parked near the poultry farm of co-accused Vikash Singh and the petitioner has no nexus either with the said truck or with the seized illicit liquor. According to learned counsel, the petitioner has been made an accused merely on the basis of the disclosure made by the local chowkidar, namely Ramji Ray, on account of his past criminal antecedents. Lastly, it is submitted that though eight criminal cases are pending against the petitioner, he is on bail in all those cases.

5. Learned APP has opposed the prayer for bail.

6. Having considered 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, Saran at Chapra, in Kopa PS. Case No. 101 of 2019, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita 2023* and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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