

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40478 of 2026

Arising Out of PS. Case No.-213 Year-2025 Thana- GAUTAMBUDHNAGAR District-
Siwan

Pradip Mishra S/o Krishna Mishra Resident of Village- Sarari, P.S.-
Goreyakothi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-07-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with G.B. Nagar P.S. Case No. 213 of 2025, registered for the offences punishable under Sections 281, 125(a), 125(b), 109, 132 of BNS, 2023 and Sections 30(a), 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip off regarding trafficking of illicit wine, the police conducted a raid and tried to intercept one Scorpio vehicle bearing Registration No. BR-01PK-8847. However, noticing the police party, the driver of the vehicle dashed some of the police personnels and tried to flee away but later on he met with an accident and two persons were apprehended. The apprehended persons disclosed the name of



nine persons, who are said to be the members of a syndicate indulged in trafficking of illicit wine. On search, total 672.580 litres of foreign liquor was recovered.

4. Learned Advocate for the petitioner submitted that the petitioner has nothing to do with the vehicle in question nor with the illicit wine which has been recovered from the said vehicle. During the course of investigation, no material has been collected which suggests any nexus between the petitioner and the alleged seized illicit wine. Only on account of the fact that the petitioner has been carrying two criminal antecedent of identical nature, his name has been implicated in this case, but without there being any material. There is no compliance of Sections 103 and 105 of the BNSS as neither any independent witness has come forward to support the seizure proceeding nor any videography of the search and seizure has been done. Even if the allegation is taken to be true for the sake of argument, the materials available on record do not attract the rigors provided under Section 76 of the Bihar Prohibition and Excise (Amendment) Act.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner is said to be a member of syndicate, who are indulged



in trade of illicit wine, besides he bears two criminal antecedent of identical nature.

6. Having considered the submissions advanced on behalf of the respective parties and considering the fact that no materials have come which suggest the complicity of the petitioner in crime, besides he has no concern with the alleged Scorpio vehicle from which recovery has been made and the entire case is based only upon the disclosure made by the co-accused, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1, Siwan/court concerned at Siwan in connection with G.B. Nagar P.S. Case No. 213 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

