

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61836 of 2023**

Arising Out of PS. Case No.-463 Year-2023 Thana- KADAMKUAN District- Patna

Gautam Sahni S/O- Gopal Sahni Mohalla- 1029/733, Near Mahadevi Apt.  
East Lohanipur Das Lane Kahar Toli Ps- Kadamkuan Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      16-10-2023                      Heard Mr. Ranjit Kumar Thakur, learned counsel  
  
appearing on behalf of the petitioner and learned Additional  
  
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection  
with Kadamkuan P.S. Case No. 463 of 2023, registered for the  
offences punishable under Sections 420, 467, 468 of the Indian  
Penal Code and Section 30(a) of the Bihar Prohibition and  
Excise Act.

3. It is alleged that the police, on receipt of secret  
information about the involvement of some miscreants in  
transportation of illicit wine through two cars, intercepted them.  
However, on noticing the police party the driver of both the cars  
fled away. On search, 397.440 and 170 litres Indian made  
foreign liquor were recovered from the respective cars.



4. It is submitted on behalf of the petitioner that the petitioner has neither any concern with the car in question nor with the alleged recovered wine; since prior to the alleged occurrence the petitioner had already sold his car to one Dipak Kumar on 25.05.2023. However, as the name of the owner has not been transferred by the District Transport Office, the police has implicated the name of the petitioner in the present crime. He further submits that even during course of investigation nothing incriminating material has been recovered from the whereabouts of the petitioner showing his complicity in the present crime. That apart, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioner and the infirmities in the search and seizure, 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.10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Kadamkuan P.S. Case No. 463 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

Anjani/-

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