

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68797 of 2023

Arising Out of PS. Case No.-258 Year-2023 Thana- SUGAULI District- East Champaran

Ranjeet Sahani son of Yamuna Sahani Village- Godigawa P.S.- Sugauli Dist-
E.Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Rajesh Kumar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sugauli P.S. Case No. 258 of 2023, registered for the
offences punishable under Sections 272 and 273/34 of the
Indian Penal Code and Sections 30(a), 32 and 41(1) of the Bihar
Prohibition and Excise Act, 2018.

3. The petitioner is said to have been involved in
paddling of illicit wine, the police conducted raid. On search,
total 100 liters of country made liquor was recovered.

4. Learned counsel appearing on behalf of the
petitioner submits that from the FIR, it is evident that the
alleged recovery has been made from the field of 'Yamuna



Sahani' and 'Danknath Sahani'. The petitioner has neither any concern with the place of occurrence nor with the alleged recovered illicit wine. He further submits that in fact on account of past two criminal antecedent of identical nature, the police has implicated his name, without there being any cogent material showing the complicity of the petitioner, in the present crime. He next submits that save and except the disclosure made by the local Chowkidar, there is no other material. There are other infirmities in the search and seizure and, moreover, the alleged recovery has been made from an open place, which is easily accessible to all.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has come on the disclosure of local Chowkidar and, all the more, recovery has been made from an open place, from which, the petitioner has no concern, let the petitioner above named 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 Court Exclusive Special Excise Court No. 1 Civil Court, Motihar, East Champaran in connection with Sugauli P.S. Case No. 258 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)

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