

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42980 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- CHAKIA District- East Champaran

Suresh Sahani Son Of Babulal Sahani Village- Bara Baishaha Ps- Chakiya District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-08-2024 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Chakiya P.S. Case No. 43 of 2024, lodged on 10.02.2024 under Sections 467 and 468/34 of the Indian Penal Code and Sections 8, 20(B)(ii)C, 23 and 25 of Narcotic Drugs and Psychotropic Substance Act, 1985 and Section 30(a), 30(d), 34(b), 41(1), 41(2) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, the FIR has been lodged against three named accused persons including the present petitioner against whom there is an allegation that from the petitioner's possession, 1 kg charas, 150 pieces of illicit English wine each with a capacity of 180 ml, 100 pieces of illicit



English wine each with a capacity of 180 ml, 5 litres of spirit kept in a gallon, one packing and sealing electric machine, 4 plastic bags containing 5000 sealed corks, 800 Officers Choice wrappers, 750 Imperial Blue wrappers and 13 price tags and stickers of Royal Stag etc. have been recovered.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the recovery of charas is less than the commercial quantity, therefore, report has been called for with regard to exact weight of the contraband with the wrapper recovered from the petitioner's possession and now the report has come. From the perusal of the report, it transpires that the contraband without wrapper is 853 gram and it is less than the commercial quantity but above than smaller quantity. He further submits that the petitioner is in custody since 11.02.2024.

4. Learned counsel for the State submits that it is true that upon receiving the report of the exact weight of contraband, it is less than the commercial quantity but the recovery of those materials from the seizure list, it transpires that accused is committed offence of Excise Act as well as of NDPS Act and the material recovered indicates that he was involved in commercial activity of those business. He fairly submits that the



bail application of one of the co-accused has been rejected today
itself passed in Cr. Misc. No. 40236 of 2024.

7. In the present facts and circumstances, this Court is
not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the
petitioner is hereby rejected with a liberty that he may renew his
prayer for bail 3 months after framing of charge.

(Dr. Anshuman, J.)

Aman Kumar/-

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