

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43869 of 2024

Arising Out of PS. Case No.-35 Year-2020 Thana- HATHAURI District- Muzaffarpur

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Ravin Sahani @ Navin Kumar S/o Shiv Nandan Sahani @ Shree Nandan Sahani R/o Village-Dakrama, P.S.-Hathauri, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-07-2024 Heard learned advocate appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Hathauri P.S. Case No. 35 of 2020, registered for the offences punishable under Sections 270/272/273, 328, 419, 420, 465, 467, 468, 471, 472, 120(B) of the Indian Penal Code and 30(a) of Bihar Prohibition & Excise Amendment Act and 4/6 of Trademarked Act.

3. It is alleged that the petitioner was engaged in manufacturing of illicit wine. The police in course of execution of attachment of property, of some criminals, got information with regard to engagement of some persons in manufacturing of illicit wine and conducted raid. Noticing the police party some



of the persons succeeded in fleeing away. 225 liters of illicit wine and some incriminating materials were recovered. Later on, the name of the petitioner also transpired in the manufacturing of illicit wine.

4. Learned advocate appearing on behalf of the petitioner referring to the F.I.R. contended that from perusal of the F.I.R., it suggests that the Chaukidar has identified four of the accused persons, who succeeded in fleeing away after noticing the police, however, the petitioner was none of them. After search and seizure only on the basis of suspicion, the name of the petitioner has been implicated in this case. Moreover, the petitioner has absolutely fair antecedent and prior to the institution of this case, he had never been found involve in trade of illicit wine. There are various other discrepancies in the search and seizure. Moreover, the seizure list witnesses are none-else but the police personnels. The alleged recovery has been made from the land of one Nagendra Shah and the petitioner has neither any concern with the place of seizure nor the illicit wine.

5. On the other hand, learned counsel for the State vehemently opposed the pre-arrest bail application and submits that there is a racket of accused persons who are indulged in



manufacturing of illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no specific material suggesting the complicity of the petitioner in the present crime neither the petitioner has any concern with the place of seizure nor the petitioner has been identified by the Chaukidar, 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 Special Judge, Excise-III, Muzaffarpur, in connection with Hathouri P.S. Case No.35 of 2020, 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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