

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52607 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- HARSIDHI District- East Champaran

Santosh Sahani @ Santosh Chaudhary S/o- Shivnarayan Sahani Village-
Bariya Dih, PS- Harsidhi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 53743 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- HARSIDHI District- East Champaran

Mantosh Sahani S/o Shivnarayan Sahani R/o vill - Bairiya Dih, P.S. -
Harsidhi, Distt - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52607 of 2024)

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

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

(In CRIMINAL MISCELLANEOUS No. 53743 of 2024)

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2024 Heard learned Advocate for the petitioners and the

learned Additional Public Prosecutor(s) for the State.

2. Considering the fact that both the matters arising

out of same P.S. Case and as such, with the consent of the

parties they are being heard together and disposed off by this

common order.

3. The petitioners apprehend their arrest in connection



with Harsidhi P.S. Case No.77 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and Sections 20(b), (ii)(c), 22(c), 23(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. The police on a tip of trafficking of illicit wine conducted raid in the house of the co-accused Ajay Manjhi, however, noticing the police party, two persons succeeded in fleeing away, whereas, co-accused Ajay Manjhi and Premilal were apprehended. On search, 1 Kg *charas* was recovered from the dickey of the motorcycle of Ajay Manjhi and 150 liters of *spirit* was recovered from the house of Premilal. The apprehended persons disclosed the name of the petitioners that they were engaged in delivering the *spirit* to other customers.

5. Learned Advocate appearing on behalf of the petitioners contended that save and accept the disclosure made by the apprehended persons, there is no material against the petitioners, even if the allegation as has been levelled by the apprehended persons, it only suggest that the petitioners were engaged in delivery of the *spirit*. There is no allegation that they were anyway involved in trafficking of Narcotic Substance. It is also the contention of the learned Advocate that the house of the petitioners were also searched but no incriminating materials



have been recovered. Only on account of the criminal antecedent, their names have been implicated by the police.

6. On the other hand, learned Advocate(s) for the State vehemently opposed the bail application and submits that the apprehended person disclosed the name of the petitioners and their participation in the crime in question. So far the petitioner in Cr. Misc. No.53743 of 2024 is concerned, he is facing five criminal antecedents, whereas, the petitioner in Cr. Misc. No.52607 of 2024 is concerned, he is carrying three criminal antecedents.

7. At this juncture, learned Advocate for the petitioners submitted that the petitioners are on bail in all the cases.

8. Regard being had to the submissions made on behalf of the parties and considering the disclosure made by the apprehended persons suggesting the complicity of the petitioners coupled with their criminal antecedent of identical nature, this Court is not persuaded to enlarge the petitioners on anticipatory bail.

9. Accordingly, the prayer of the petitioners stands rejected.

10. The petitioners are directed to surrender before the



learned Special Judge, Excise Court No.1, Motihari, East Champaran, preferably within a period of four weeks from today. In case the petitioners surrender before the jurisdictional Court, the same shall be considered on its merit and disposed off expeditiously without being prejudiced to the present order.

(Harish Kumar, J)

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