

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81825 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- DARBHANGA District- Darbhanga

Suraj Sahni, Son of Kapileshwar @ Kapal Sahni, Resident of Village-
Jitugachi, P.S.- Nagar, District -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Jyoti Kumari, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Nagar Thana P.S. Case No. 154 of 2024 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on a secret information intercepted a Tempo. However, on noticing the police party, the person, who was seated beside the driver of the Tempo succeeded in fleeing away and the police apprehended the driver. On search, total 64.800 litres of Indian made foreign liquor was recovered. The apprehended person disclosed the name of the petitioner.

4. Learned Advocate for the petitioner contended that save and except the disclosure made by the apprehended person,



there is no material suggesting the complicity of the petitioner in the crime. The petitioner has neither any concern with the Tempo nor with the recovered illicit wine. Moreover, the seizure list witnesses are non-else, but the police personnel and, as such, defiance of the prescription provided under Section 100 of the Cr.P.C. The petitioner bears 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 APP for the State vehemently opposes the bail application and submits that the name of the petitioner has been disclosed by the apprehended person.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that except the disclosure made by the apprehended person, there is no material against the petitioner, coupled with the fair antecedent and the infirmities in the search and seizure, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge



(Excise-I), Darbhanga in connection with Nagar Thana P.S.
Case No. 154 of 2024, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C. with the further condition
that one of the bailors shall be the own/close relative of the
petitioner.

(Harish Kumar, J)

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