

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82170 of 2024

Arising Out of PS. Case No.-392 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

Manish @ Manish Kushwaha S/O Sri Ramrup Bhagat Resident of village-
Mathia, P.S- Kotawa, District- E. Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard Mr. Dharmveer, learned Advocate for the

petitioner and Mr. Damodar Prasad Tiwary, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Kuchaikot P.S. Case No. 392 of 2018, registered for the
offences punishable under Sections 420/467/468/414 of the
Indian Penal Code.

3. The allegation against the petitioner is of involved
in trafficking of illicit wine. The police on a secret information
intercepted a truck bearing Reg. No. HR55x-7896. The persons
who were seated in the truck were apprehended by the police.
On search, total 3456.720 litres of Indian Made Foreign Liquor
was recovered. It is further alleged that the apprehended persons
disclosed the name of the consignor and the consignee.



However, he further disclosed that previously on the direction of Sandip Singh, they have delivered the illicit wine in favour of the petitioner and other persons also.

4. Learned Advocate appearing on behalf of the petitioner contended that save and except the disclosure made by the apprehended persons, that too with regard to an incidence of past occasion, there is no other material, suggesting the complicity of the petitioner in the crime. It is next contended that, be that as it may, even if the disclosure taken to be true, for the sake of argument, the same is not admissible. Moreover, no material has come which suggests that any recovery has been made from the conscious and constructive possession of the petitioner, as such the bar provided under Section 76(2) of the Bihar Prohibition of Excise Act, 2016 is not applicable in the present case.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that apart from one criminal antecedent as has been disclosed in para-3 of the bail application, the petitioner has been evading his arrest for the last five years.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and



except disclosure made by the apprehended persons that too with regard to a past incidence without being any specific particulars, coupled with the fact that the materials available on record do not attract the bar under Section 76(2) of the Excise Act, 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 Additional District & Sessions Judge-IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection withKuchaikot P.S. Case No. 392 of 2018 , 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.

(Harish Kumar, J)

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