

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81873 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- LAUKAHA District- Madhubani

Santojeet Kumar @ Munna Jha, S/o- Mod Narayan Jha @ Amod Narayan Jha, Village-Radhi Rarhi, Ps- Jale, Dist-Darbhang.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vashisth Narayan Mishra, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-12-2024 Heard Mr. Vashisth Narayan Mishra, learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Laukaha P.S. Case No. 99 of 2023, registered for the offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code and Sections 32, 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is of involvement in trade of illicit wine. The police on a secret information intercepted a Swift Desire bearing registration no. DL8CL5458. The persons who were seated in the vehicle were apprehended by the police and they disclosed the name of the petitioner as one of the member of the syndicate. On search,



total 208.05 litres of Indian made foreign liquor was recovered. There are recovery of certain other incriminating materials as has been disclosed in the seizure list.

4. Learned Advocate appearing on behalf of 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. It is further contended that there are other infirmities in the search and seizure; moreover the petitioner bears fair antecedent and he undertakes before this Court that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that a huge quantity of illicit wine has been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no recovery either from the conscious and constructed possession of the petitioner and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2018 is not applicable, coupled with the fair antecedent and the fact that except disclosure made by the apprehended person there is no material, 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 Act, Jhanjharpur District, District Madhubani in connection with Laukaha P.S. Case No. 99 of 2023, 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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