

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80804 of 2024

Arising Out of PS. Case No.-271 Year-2024 Thana- MANJHAGARH District- Gopalganj

1. Pramod Pasi, S/o Nandlal Pasi, R/o Village- Babuhata, P.S.- Barhariya, Distt.- Siwan
2. Saroj Pasi, Son of Nandlal Pasi, R/o Village- Babuhata, Ps- Barhariya, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Manjhagarh P.S. Case No. 271 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Based upon the written report, the prosecution alleges that the police on receipt of information that one Nandlal Pasi is found engage in selling of illicit wine, conducted raid. However, when the police reached at the place of occurrence, 2-3 other persons who were present there succeeded in fleeing away after concealing something in bushes. The police apprehended



Nandlal Pasi, who disclosed the name of the petitioners. On search, 110 liters country made liquor was recovered.

4. Learned counsel for the petitioners contended that save and except the disclosure made by the apprehended co-accused person, there is no other material suggesting complicity of the petitioners in the present crime. It is also contended that even if the disclosure made by the co-accused is taken to be true, for the sake of argument, it has not been disclosed that the recovered illicit wine belongs to the petitioners. Moreover, the disclosure of the apprehended co-accused is not admissible in the eyes of law. It is further contended that there are serious infirmities in the search and seizure and the recovery of illicit wine has been made from the conscious possession of co-accused Nandlal Pasi. Petitioner no.1 bears no criminal antecedent whereas petitioner no.2 has one criminal antecedent of identical nature and that might be a reason for false implication of the petitioners in the present crime.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the apprehended co-accused person from whose possession a huge amount of illicit wine has been recovered, has disclosed the name of the



petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioners have transpired on the disclosure of the apprehended co-accused person without there being any cogent material(s), let the petitioners above named be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned ADJ-XIII-cum-Special Judge, Excise-I, Gopalganj in connection with Manjhagarh P.S. Case No. 271 of 2024, 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 petitioners.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

