

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80840 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- TAJPUR District- Samastipur

SUDHIR SAHNI SON OF LATE GOVIND SAHANI RESIDENT OF
VILLAGE- MOTIPUR (CHAK MOTIPUR), PS- TAJPUR, DISTRICT -
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80860 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- TAJPUR District- Samastipur

Aayush Kumar @ Tonu Sah @ Ayush Raj Son of Sunil Sah RESIDENT OF
VILLAGE -KASBE AHAR, GANDHI CHOWK, PS -TAJPUR, DISTRICT
-SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81611 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- TAJPUR District- Samastipur

Guddu Das @ Guddu Kumar Das Son of Surendra Das RESIDENT OF
VILLAGE -MOTIPUR, (CHAK MOTIPUR), PS- TAJPUR, DISTRICT
-SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 80840 of 2024)

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

(In CRIMINAL MISCELLANEOUS No. 80860 of 2024)

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

(In CRIMINAL MISCELLANEOUS No. 81611 of 2024)

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 All the matters are arising out of the same P.S. Case and as such they are being heard together and disposed of by this common order.

2. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners apprehend their arrest in connection with Tajpur P.S. Case No.228 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The police on a secret information that the petitioners along with other persons, who are indulged in trafficking of illicit wine, coming on a car, intercepted the vehicle, however noticing the police parties the petitioners and other co-accused persons succeeded in fleeing away after leaving the car. The spy and the Chowkidar disclosed the name



of the petitioners and other. On search, 19 liters Indian made foreign liquor was recovered from the car.

5. Learned counsel appearing on behalf of the petitioners contended that the petitioners have neither any concern with the car in question nor he was driver or sitting in the car. Only on account of his two past criminal antecedent of identical nature his name has been implicated in this case on the disclosure made by spy/chowkidar. Save and except the disclosure there is no material suggesting the complicity of the petitioners in the crime. There are other infirmities in the search and seizure, moreover the petitioners undertake that they will fully cooperate in the investigation and the proceeding of the court.

6. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the petitioners bear criminal antecedent of identical nature and their complicity in such kind of crime cannot be ruled out.

7. 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 spy/chowkidar; the petitioners have neither any connection with the car in question nor with the illicit wine, all the more there is



no recovery either from the conscious or constructive possession of the petitioners and as such bar provided under section 76(2) of the Excise Act, 2016 is not attracted, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-02, Samastipur in connection with Tajpur P.S. Case No.228 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)

Prakash Narayan

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