

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2168 of 2025

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

Sandeep @ Sandeep Shandilya @ Sandeep Singh Son of Nirbhay Kumar
Singh Village -kotwa Ps- Kotwa District East -champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-01-2025 Heard learned Advocate for the petitioner and
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 and Sections 30(a)(b)(c), 38, 41(a)(b) of the Bihar Prohibition and Excise Act, 2016.

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 seated in the truck were apprehended by the police. On search, total 3456.720 litres of Indian Made Foreign Liquor was recovered. The apprehended persons disclosed the name of the consignor and consignee. It is further disclosed that previously



on the direction of this petitioner, they have delivered the illicit wine in favour of other accused persons.

4. Learned Advocate for the petitioner contended that save and except the disclosure made by the apprehended persons, there is no material suggesting the complicity of the petitioner. The petitioner has no criminal antecedent, with respect to identical nature of crime. However, he fairly submits that the petitioner has two criminal antecedent of different nature as has been disclosed in paragraph-3. Even if the allegation is taken to be true, it is the admitted fact that no recovery has been made either from the conscious or constructive possession of the petitioner and as such the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, is not applicable. Learned Advocate lastly contended that co-accused Manish @ Manish Kushwaha having more or less identical allegation has been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No. 82170 of 2024 vide order dated 11.12.2024.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the material available on record clearly suggests the involvement of the petitioner in trafficking of illicit wine.



6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, barring disclosure of the apprehended persons, there is no other material suggesting the complicity of the petitioner in the crime, thus do not attract the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the fact that one of the co-accused person has been allowed the privilege of anticipatory bail, 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV-cum-Special Excise Court No.II, Gopalganj in connection with Kuchaikot 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 member of the petitioner.

(Harish Kumar, J)

Anjani/-

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

