

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24188 of 2025

Arising Out of PS. Case No.-241 Year-2023 Thana- GAIGHAT District- Muzaffarpur

Lal Pandit @ Lal Mohan Pandit, Son of Jay Lal Pandit @ Jarilal Pandit
Resident of Village- Umarchak Tola, Khajubara, P.S.- Jale, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Gaighat P.S. Case No. 241 of 2023 registered for the offences punishable under Sections 272, 273, 420, 468, 471 and 120B/34 of the Indian Penal Code and Sections 30(a), 32, 36 and 41(i) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner and others is of involved in trafficking of illicit wine; the police in course of patrolling, on a secret information, intercepted a Truck bearing registration no. RJ05GB-5121 and apprehended its driver. In course of search, total 3753.00 lts. of Indian Made Foreign Liquor was recovered.



4. Learned Advocate for the petitioner referring to the FIR contended that the name of the petitioner has surfaced on the basis of call details of the driver. Save and except the call details, there is no material suggesting complicity of the petitioner in crime. The petitioner has neither any concern with the truck in question nor with the illicit wine, which is said to have been recovered from the truck in question. The petitioner bears fair antecedent and during the course of investigation, no material has collected against him and, as such, in view of the decision of the Full Bench of this Court in the case of **Ram Vinay Yadav v. The State of Bihar [2019(2) P.L.J.R. 1089]**, there is no ingredient which attracts the provision under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2016').

5. On the other hand, learned Advocate for the State opposed the bail application and submitted that a huge quantity of illicit Indian Made Foreign Liquor was recovered and the name of the petitioner has surfaced during the course of interrogation.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the call details, there is no material suggesting complicity



of the petitioner in crime; moreover, the petitioner bears fair antecedent and there is no material available on record, which attracts the provision under Section 76(2) of the Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-3, Muzaffarpur in connection with Gaighat P.S. Case No. 241 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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