

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31016 of 2025

Arising Out of PS. Case No.-81 Year-2021 Thana- BAHERA District- Darbhanga

Sukan Sah S/o Jitan Sah, Resident of Village- Kamalpur, Police Station-
Sonki, District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bahera P.S. Case No. 81 of 2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. In course of patrolling, the police on being found that some persons are engaged in unloading some materials from a pick-up van and a motorcycle, they rushed to the place of occurrence; however, noticing the police party, four persons assembled there succeeded in fleeing away. In course of search, total 89.280 lts. of illicit liquor was recovered from the pick-up van as well as the motorcycle.

4. Learned counsel for the petitioner submitted that



the pick-up van in question was being run for carrying the goods by the driver and, in fact, the petitioner was not aware that his pick-up van has ever been used for illicit purpose. The petitioner has neither any concern with the illicit wine nor with the seized motorcycle. There are various other infirmities in search and seizure. Save and except the petitioner being owner of the pick-up van, there is no material; all the more, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that apart from delay in approaching the Court, there is material which suggests the involvement of the petitioner in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the vehicle in question runs for transportation of goods by the driver and the petitioner being owner of the vehicle in question, his name has been implicated in this case, apart from the fact that the FIR does not disclose the name of the petitioner, coupled with his fair antecedent and the absence of materials, which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise 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 Judge-II (Excise Act), Darbhanga in connection with Bahera P.S. Case No. 81 of 2021, subject to the condition as laid down under Section 482(2) of the BNSS, 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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