

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31172 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- DARBHANGA District- Darbhanga

Sabbu @ Sibtullah @ Shibat Ullah S/o Jawed @ Javed Akhtar Moti, Resident of Village- Senapat Kilaghat, Police Station- Town, 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 : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Town (Nagar) P.S. Case No. 41 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved in trafficking of illicit wine; the police on a secret information intercepted a red colour car and apprehended two persons, namely, Deepak Kumar and Sonu Kumar. In course of search, total 17.280 lts. of foreign liquor was recovered. On interrogation, the apprehended persons disclosed that they had gone to the house of the petitioner to deliver the foreign liquor through a tempo. On getting such information, the police



reached at the place of occurrence and found a tempo was parked in front of the house of the petitioner; however, noticing the police party, the driver of the tempo fled away and in course of search, altogether 214.740 lts. of foreign liquor was recovered.

4. Learned counsel for the petitioner submitted that the petitioner has neither any concern with the tempo in question nor with the illicit wine, which is said to have been recovered from the tempo. It is further contended that only on account of two criminal antecedent; though both relate to penal provisions of the I.P.C., the name of the petitioner has been implicated in this case without there being any substantive material. It is admitted position that recovery has been made from the tempo and no incriminating material has been recovered from the whereabouts of the petitioner. There is no compliance of Sections 103 and 105 of the BNSS. Moreover, the witnesses are none else but the police personnel. The petitioner undertake 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.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the alleged recovery has been made from the tempo in question with which the petitioner has no relation, coupled with the infirmities in search and seizure as also the lack of ingredients attracting 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. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I, (Excise Act), Darbhanga in connection with Town (Nagar) P.S. Case No. 41 of 2025, 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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