

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69850 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- Excise P.S. District- Siwan

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1. Rohit Kumar Sah @ Rohit Kumar, Male, aged about 24 years Son of Sanjay Sah, Resident of village- Saidpur, P.S.- M.H.Nagar, Hasanpura, District- Siwan.
 2. Sushil Kumar Sah @ Sushil Kumar Sah Nirahua @ Nirahua, aged about 25 years, Male Son of Dinesh Sah, Resident of Village- Kushhara, P.S- Aandar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Raghunathpur Excise P.S. Case No. 97 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 563.400 liter of illicit foreign and local liquor has been recovered from Mushhra Chat Ghat.

4. Learned counsel for the petitioners submits that petitioners are innocent have committed no offence and have



falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. He further submits that the so called articles was recovered on Mushhra Chhat Ghat, which is an open place easily assessable by any person. He next submits that petitioners are completely unaware about any article and he has no concern about the seized articles. He submits that petitioners are neither present at the spot nor arrested by the police and no any independent witness of the seizure list. Petitioners have got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Exclusive Special Excise Court No. II, Siwan dated 29.08.2024, it appears that on the basis of self statement of the Sub-Inspector, Dharmendra Kumar, FIR has been registered under Section 30(a) of the Bihar Prohibition and Excise Act against the present petitioners. Petitioners are neither present at the spot nor arrested by the police, no any independent witness of the seizure list and the seized articles recovered from an open place easily assessable by any persons and their name disclosed by two unknown persons of the informant, so considering all these aspects of the case, let these



petitioners above named in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. II, Siwan in connection with Raghunathpur Excise P.S. Case No. 97 of 2024, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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