

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82564 of 2024

Arising Out of PS. Case No.-214 Year-2024 Thana- LALGANJ District- Vaishali

1. Chandrika Sah @ Chandrika Kumar Son of Dipan Sah Resident of Village- Chitamanpur, P.S.- Vaishali, District- Vaishali
2. Dharmendra Sah @ Dharmendra @ Dhamenduh Son of Dipan Sah Resident of Village- Chitamanpur, P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.
For the State : Mr. Nitya Nand Tiwary, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 28-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), 32(2), 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Altogether 3013.20 litres of illicit Indian made foreign liquor has been recovered from the seized truck. Seeing the police, the accused persons including the petitioners are said to have fled away from the spot.

4. Learned counsel for the petitioners submits that no recovery was made from physical and conscious possession



of the petitioners and they were nowhere involved in the said occurrence. All the allegations levelled in the FIR are totally false and based on concocted facts. They are neither the owner nor the driver of the seized truck. Their names have transpired in the present case merely on the basis of the secret information. Learned counsel for the petitioners further submits that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure and the seizure was made only in the presence of police personnel.

5. Learned counsel for the petitioners has filed a supplementary affidavit in the present case stating therein that the petitioners are ready to deposit the amount of Rs. 1,00,000/- (Rupees One Lac) **each** in the account of Mahavir Cancer Sansthan, which had been noted in the earlier order dated 11.12.2024. However, learned counsel for the petitioner invites the attention of this Court to a statement made in paragraph 4 of the supplementary affidavit in which he has stated that both the petitioners are full brothers and petitioner no.2 does not have any criminal antecedent and he is a farmer. In such view of the matter, a prayer is being made on behalf of learned counsel for the petitioners that the



amount of Rs. 1 lac, as agreed, may only be confined to petitioner no.1 and so far as petitioner no.2 is concerned, it is submitted that he is ready to pay Rs. 25,000/- (Rupees Twenty Five Thousand) in account of Mahavir Cancer Sansthan.

6. Learned APP for the State opposes the prayer for anticipatory bail.

7. As stated above, petitioners are agreed to deposit a sum of Rs. 1,00,000.00 (Rupees One Lakh) and Rs. 25,000.00 (Rupees Twenty Five Thousand), respectively in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

8. Taking into consideration the above mentioned facts, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise) cum Additional District & Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No.



214 of 2024, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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