

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89226 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- Nehra District- Darbhanga

Sanjeev Pandit @ Sanjeev Kumar, S/O Radheshyam Pandit, R/O/V-
Bhalpatti, P.S. -Bhalpatti, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Nehra P.S. Case No. 65 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3.In course of patrolling, the police intercepted a vehicle, however, noticing the police party the persons who were assembled succeeded in fleeing away with their vehicle. In course of search total 801.72 litres of foreign liquor was recovered from the side of the road. The police also found one mobile phone from the place of occurrence which is said to be in the name of the petitioner.

4. Learned counsel appearing on behalf of the petitioner contended that save and except the allegation that a

mobile phone was recovered from the place of occurrence, there is no material suggesting the complicity of the petitioner in the crime of the trade of illicit liquor. The petitioner bears fair antecedent and prior to the present case, he has never been found involve in any such activities and, as such, the entire case is based on suspicion due to the recovery of the mobile. It is further contended that the petitioner has neither any concerned with the vehicle, in question, nor with the recovered illicit wine. The alleged recovery has been made from the side of the road. The witnesses are none else but the police personnel. There is complete violation of Section 103 of the BNSS, 2023.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no recovery from conscious and constructive possession of the petitioner and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not applicable, coupled with the fair antecedent and there being no cogent materials available on record, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a

period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-II (Excise Act), Darbhanga in connection with Nehra P.S. Case No. 65 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J.)

Jyoti Kumari/-

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