

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35404 of 2020

Arising Out of PS. Case No.-148 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Arjun Sah, male, aged about 39 years, S/o Ramchandra Sah, R/o Village-
Khajahapur, Ward No.- 08, P.S.- Cheriya Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Adv.
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-03-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his
arrest in connection with Cheriya Bariyar P.S. Case No.
148C2 of 2020, dated 19.08.2020, instituted for the
offences under Sections 30(a) and 30(C) of the Bihar
Prohibition and Excise Act, 2016.

In course of raid in a house, 15 litres of liquor,
equipments for brewing liquor and 120 quintals of raw



materials are said to have been recovered.

The learned counsel for the petitioner has submitted that apart from him, another person by name of Brahmdeo Mahto has been made accused in this case. He has further submitted that from the seizure-list, it appears that one house was raided from where the recovery has been made. He has also submitted that the house of the other accused person/ Brahmdeo Mahto and the petitioner's house are located at different places. Thus, from the F.I.R. and the seizure-list, it does not get reflected clearly whether the recovery has been from the house of aforesaid Brahmdeo Mahto or from the house of the petitioner.

The learned counsel for the petitioner, in support of his contention, has submitted that one of the seizure-list witnesses to the raid is the son of co-accused/ Brahmdeo Mahto. This pre-supposes that the recovery is made from the house of aforesaid Brahmdeo Mahto and not from the house of the petitioner as no person related to the petitioner or the inmate of his house has been made to sign the seizure-list.



Aforesaid co-accused/Brahmdeo Mahto has been granted anticipatory bail by a Bench of this Court *vide* order dated 26.02.2021 passed in Cr. Misc. No. 33794 of 2020.

On the ground of parity, the petitioner above-named, is also directed to be released on bail, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Civil Court, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 148C2 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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