

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48333 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- PARBATTa District- Khagaria

Chhatri Yadav S/o Late Jiyalal Yadav R/o Village- Maraiya, PS. Parbatta
(Maraiya), Dist. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Binod Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Parbatta (Maraiya) P.S. Case No. 198 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. On a secret information regarding involvement of the petitioner in trade of illicit liquor, the police conducted raid and 4 liters country made liquor was recovered from the *Basa* of the petitioner. On noticing the police party, one person succeeded in fleeing away, who has recognized as the petitioner by the villagers.



4. Learned counsel for the petitioner submits that admittedly the alleged recovery has been made from the *Basa* which is an open place and easily accessible to all. Hence, the chances of keeping the country made liquor by any person cannot be ruled out. He further submits that there is no compliance of Section 100 CrPC, inasmuch as the seizure list witnesses are police personnel. He next submits that prior to the institution of this case, the petitioner has never been made accused in any identical matter though he has one criminal antecedent as mentioned in para-3 of the bail petition, in which he is already on bail.

5. On the other hand, learned counsel for the State opposes 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 *Basa* of the petitioner, which is located at an open place and easily accessible to all, apart from other infirmities in the search and seizure, 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned Special Excise Judge 2nd, Khagaria in connection with Parbatta (Maraiya) P.S. Case No. 198 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

