

Arising Out of PS. Case No.-84 Year-2023 Thana- BIRAUL District- Darbhanga

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- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mrs. Vaishnavi Singh, learned counsel
appearing on behalf of the petitioners and the learned APP for
the State.

2. The petitioners are apprehending their arrest in connection with Biraul P.S. Case No. 84 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Allegedly the police on receipt of a secret information regarding paddling of the illicit liquor conducted raid. However, on noticing the police personnel, the accused persons succeeded in fleeing away after throwing the Gallons filled with the illicit liquor.



4. Learned counsel appearing on behalf of the petitioners submits that from the narration made in the F.I.R., it is evident that the alleged recovery has been made in front of the house of the petitioners, which is an open place accessible to all. It has further not been disclosed as to how the petitioners have been identified nor the F.I.R. suggests that they have been identified by the local Chaukidar. She further submits that there are various other discrepancies in the search and seizure and in this respect she drew the attention of this Court to the seizure list, which suggest the date of seizure as 06.02.2023, but the present F.I.R. has been instituted on 06.03.2023, which casts a serious doubt over the prosecution case. She lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceedings of the Court.

5. On the other hand, learned APP 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 recovery has been made from an open place, in front of the house of the petitioners, coupled with their fair antecedent, let the petitioners, named above, in the event of their arrest or surrender before the



court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Darbhanga in connection with Biraul P.S. Case No. 84 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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