

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53136 of 2023

Arising Out of PS. Case No.-118 Year-2023 Thana- RAGHUNATHPUR District- Siwan

1. Sachin Kumar @ Sachin Kumar Ram, Son of Shivji Ram, Resident of Kadsar, Police Station- Raghunathpur, Distt.- Siwan
2. Golu Singh @ Ravi Ranjan Patel, Son of Chulai Singh @ Shiv Shankar Singh, Resident of village- Kadsar, P.S. - Raghunathpur, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Anis Akhtar, 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 Raghunathpur P.S. Case No. 118 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The police on a confidential information with regard to involvement of the petitioners in storage of illicit liquor conducted raid. However, on receipt of the aforesaid information, the petitioners succeeded in fleeing away. In course of search, 46 litres of country made Mahua liquor was recovered from the cattle-shed of petitioner no.1.



4. Learned counsel appearing on behalf of the petitioners submits that the alleged recovery has been made from a cattle-shed, which is easily accessible to all and moreover it has been denied that the said cattle-shed (Bathan) belongs to petitioner no.1. He next submits that apart from other discrepancies in the search and seizure, inasmuch, as there is non-compliance of Section 100 of the Cr.P.C. He lastly submits that nothing incriminating has been recovered from the whereabouts of the petitioners suggesting their complicity in the present crime. The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation/trial.

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 alleged recovery has been made from a cattle-shed, situated beside the house of petitioner no.1, which is accessible to all, coupled with their fair antecedents, 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 Exclusive Special Excise Court No.-II, Siwan in connection with Raghunathpur P.S. Case No. 118 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)

Uday/-

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

