

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55276 of 2023**

Arising Out of PS. Case No.-163 Year-2018 Thana- NADI P.S. District- Patna

Ramji Ray S/o Late Gigal Ray R/o Village- Jethuli, PS. Nadi, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 13-09-2023 Heard Mr. Ashok Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nadi P.S. Case No. 163 of 2018 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Allegedly, the police on secret information with regard to the trafficking of illicit liquor, raided the house of the petitioner and, in the course of the search, 21.30 liters of illicit liquor were recovered from the cattle shed of the petitioner.

4. Learned counsel for the petitioner submits that from the FIR, it is evident that the alleged recovery has been made from a cattle shed, which is an open place and easily accessible to all. He further submits that the petitioner is an old man aged about seventy years and only he being guardian of the family, his name has been implicated in this case. He next



submits that there are infirmities in the search and seizure. Lastly, he submits that the petitioner undertakes that he will cooperate in the investigation or proceedings of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner bears one criminal antecedent as has been mentioned in para-3 of the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the age of the petitioner and the fact that the alleged recovery has been made from a cattle shed, which is an open place and easily accessible to all, 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 Exclusive Special Judge, Excise, Patna City in connection with Nadi P.S. Case No. 163 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with a further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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