

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57112 of 2023**

Arising Out of PS. Case No.-212 Year-2023 Thana- SIMRI District- Buxar

1. Godhan Dom S/O Late Manejar Dom R/O Village- Dullahpur, Niyazipur, Ps. Simri, Dist. Buxar
2. Umesh Dom S/O Late Manejar Dom R/O Village- Dullahpur, Niyazipur, Ps. Simri, Dist. Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nirbhay Prashant, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      30-08-2023                      Heard   Mr.   Nirbhay   Prashant,   learned   counsel  
  
                                                 appearing on behalf of the petitioners and learned Additional  
  
                                                 Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Simri P.S. Case No. 212 of 2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police, on a secret information regarding involvement of the petitioner in the trade of illicit wine, conducted raid and in course of search 3 litres of *desi chulai* liquor and 40 litres semi formed (sweet *mahua*) have been recovered from the house of petitioner no. 1. Similarly, 3 litres



of *desi chulai* liquor and 30 litres semi formed (sweet *mahua*) have also been recovered from the house of the petitioner no. 2.

4. Learned counsel appearing on behalf of the petitioners submits that the alleged recovery has been made from a joint family house where several persons reside and as such the petitioner cannot be held solely responsible for the same. He further drew the attention of this Court to the seizure list and with reference thereto he submits that from the seizure list it also appears that copy of the seizure list has not been handed over to any of the family members, which also casts doubt upon the prosecution. He next submits that the petitioners are first offender and they undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application and submits that the alleged recovery has been made from the house of the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there are serious infirmities in the search and seizure, coupled with the fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Court-II, Buxar in connection with Simri P.S. Case No. 212 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

**(Harish Kumar, J)**

Anjani/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

