

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61195 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- DAUDPUR District- Saran

Saroj Kumar Mahto @ Saroj Mahto Son of Parsuram Mahto Village- Jaitpur,
PS- Daudpur, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-12-2023 Heard Mr. Ajit Kumar Singh, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Daudpur P.S. Case No. 130 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The police on an information regarding the complicity of the petitioner in the trade of illicit wine, conducted raid in an abandoned house, which is said to be in the name of the petitioner and from where 60 liters illicit country made liquor was recovered.

4. Learned counsel for the petitioner submits that from the seizure list, it is evident that the alleged recovery has been made from a dilapidated abandoned house, which is easily



accessible to all. Moreover, the house in question does not belong to the petitioner and only because of the fact that the petitioner is carrying two criminal antecedent of identical nature, his name has been implicated in this case without there being any connection of recovery of the illicit liquor with the petitioner. He further drew the attention of this Court to the seizure list and with reference thereto, he submits that apart from other infirmities, the witnesses to the seizure are also police personnel, and as such, there is no compliance of Section 100 CrPC. He next submits that so far the other two criminal cases are concerned, the petitioner is on bail in those cases and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

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 an abandoned house, which is easily accessible to anyone, apart from the 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 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Daudpur P.S. Case No. 130 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)

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