

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64680 of 2023

Arising Out of PS. Case No.-306 Year-2021 Thana- RAJAOLI District- Nawada

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Kaju Kumar Son of Bangali Chaudhary Resident of Village- Akbarpur Hat
Par, P.S. Akbarpur, District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Pramod Kumar Verma, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Rajauli P.S. Case No. 306 of 2021 registered for the
offences punishable under Sections 30(a), (d) / 41 of the Bihar
Prohibition and Excise Act, 2016.

3. The police on a secret information regarding
manufacturing of illicit liquor, raided the place of occurrence.
However, on noticing the police party, all the accused persons
succeeded in fleeing away, except one lady, who was
apprehended by the police. In course of search, 200 liters of
country made liquor and machines allegedly to be used for
manufacturing of liquor and other equipment as well as five



motorcycles have been recovered.

4. It is submitted on behalf of the petitioner that the name of the petitioner has been implicated in the present case in the capacity of he being the owner of one of the motorcycle, bearing Registration No. BR27J-9303. He further submits that on the alleged date of occurrence, the motorcycle was taken away by one of the villagers and he was not knowing this fact that the motorcycle has anyway used in connection with any crime. He next submits that save and except the aforesaid fact that the motorcycle was recovered from the alleged place of occurrence, which is a public place accessible to all, there is no material showing the complicity of the petitioner. Moreover, the petitioner is a man of fair antecedent 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 and submits that the vehicle of the petitioner was seized from the place of occurrence.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery of the illicit wine has been made from an open place, easily accessible to all, coupled with the fair



antecedent of the petitioner, let the petitioner, above named, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court – 2, Nawada in connection with Rajauli P.S. Case No. 306 of 2021, 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 petitioner.

(Harish Kumar, J)

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