

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64106 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- BARHIYA District- Lakhisarai

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Soti @ Avinash Kumar @ Sothi Son Of Ram Naresh Singh Resident Of
Barahiya, Ward No. 7, Ps- Barahiya, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Udbhav, learned counsel appearing on

behalf of the petitioner and learned Additional Public Prosecutor

for the State.

2. The petitioner apprehends his arrest in connection
with Barahiya P.S. Case No. 156 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Allegedly in course of patrolling, the police
intercepted the Scorpio, however, on noticing the police, the
persons seated therein tried to flee away, out of which one of the
accused, namely, Mukesh Kumar was apprehended, who disclose
the name of their associates including the petitioner. In course of



search, total 26 litres of Mahua liquor was recovered.

4. It is submitted on behalf of the petitioner that the petitioner has neither any concern with the Scorpio vehicle nor with the alleged recovered illicit Mahua liquor. Only on account of his past criminal antecedents, his name has been implicated in this case. He further submits that there is serious infirmities in the search and seizure, apart from that, the witnesses to the seizure are none else but the police personnel. He next submitted even during the course of investigation, no incriminating material has recovered from the whereabouts of the petitioner showing any complicity in crime in question. He lastly submits that the petitioner 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 a Scorpio, which does not belong to the petitioner, apart from the infirmities in the search and seizure, let the petitioner abovenamed 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 Additional District & Sessions Judge IV- Cum Special Excise Court 1, Lakhisarai in connection with Barahiya P.S. Case No. 156 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 petitioner.

(Harish Kumar, J)

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