

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64103 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- CHANAN District- Lakhisarai

Bablu Kora Son Of Bhuneshwar Kora Village Kachhua, Ps- Chanan, Dist-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Sanjeev Kumar, 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 Chanan P.S. Case No. 92 of 2023, registered for the
offences punishable under Section 30(a)(b)(c) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. The police on a secret information raided in a hill
forest area where they found six *bhathis* used for manufacturing
of illicit liquor. In course of search, 80 litres country made
liquor along with 5000 litres *jawa mahua* was recovered. The
recovered *jawa mahua* was destroyed and accordingly a seizure
list was prepared. The name of the petitioner has transpired on a
secret information as the petitioner and others were engaged in



manufacturing of illicit wine.

4. Learned counsel appearing on behalf of the petitioner submits that admittedly the alleged recovery has been made from the hill forest area which is a public place accessible to all and for that the petitioner cannot be held responsible, all the more the implication of the petitioner is based on secret information without there being any cogent material. He next submits that save and except, the secret information there is no material, apart from there are serious irregularities in search and seizure. He lastly submits that 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 opposed 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 for a hill forest area and there is no other material suggesting the complicity of the petitioner, coupled with the fair antecedent, 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 and Sessions Judge IV-cum-Exclusive Special Excise Court-1, Lakhisarai in connection with Chanan P.S. Case No. 92 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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