

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65259 of 2023**

Arising Out of PS. Case No.-12 Year-2023 Thana- GAUTAMBUDHNAGAR District- Siwan

Amawas Nat @ Amawas Nut, S/O Akbar Nat @ Akabar Nat, R/O Village-  
Dumri, P.S. G.B. Nagar, Dist. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

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

2      19-10-2023                      Heard Mr. Bijay Prakash Singh, learned counsel  
  
appearing on behalf of the petitioner and the learned APP for the  
  
State.

2. The petitioner is apprehending his arrest in connection with G.B. Nagar P.S. Case No. 12 of 2023 registered for the offences under Sections 30(a), 34 and 36 of the Bihar Prohibition and Excise Act, 2016.

3. The petitioner is said to be indulged in selling of liquor. In course of raid, the police recovered 20 litres of country made liquor from the house of the petitioner. However, noticing the police party, the petitioner succeeded in fleeing away.

4. It is submitted on behalf of the petitioner that the present case has been instituted on the basis of secret



information made by the village Chaukidar. However, the alleged recovery has been made from the joint family house, where several persons reside and, as such, the petitioner cannot be held solely responsible for the same. Furthermore, the petitioner bears fair antecedent, as has been stated in para. 3 of the bail petition. He next submits that there are other infirmities in the search and seizure and the copy of the seizure list has not been handed over to any of the family members of the petitioner showing the recovery from his house. He lastly submits that apart from the fair antecedent of the petitioner, he also undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the alleged recovery has been made from the house of the petitioner and, moreover, in view of the embargo as provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018, the anticipatory bail application of the petitioner is not maintainable.

6. So far the maintainability of the present case is concerned, the conundrum has already been dispelled by the Full Bench of this Court in the case of **RamVinay Yadav Vs.**



**The State of Bihar, 2019 (2) PLJR 1089.**

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the joint family house of the petitioner and other infirmities in the search and seizure, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No.-I, Siwan in connection with G.B. Nagar P.S. Case No. 12 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

**(Harish Kumar, J)**

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