

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65251 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- RAUTARA District- Katihar

Ashok Uraon Son Of Doma Uraon Resident Of Mohalla Kothi Tola Ward No
3, PS Rautara Dist.- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard 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 Rautara P.S. Case No. 43 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The police, on a secret information raided the house
of the petitioner. However, noticing the police party, the
petitioner succeeded in fleeing away. In course of search, 3 litres
country-made wine was recovered behind the house of the
petitioner.

4. It is submitted on behalf of the petitioner that
admittedly the alleged recovery of 3 litres country-made wine



has been made behind the house of the petitioner, which is easily accessible to all and for that the petitioner cannot be held responsible. All the more, the petitioner is a man of fair antecedent and he has never been indulged in such type of activity. He next submits that in fact some unscrupulous persons had thrown the illicit wine behind the house of the petitioner in order to save their implication in the raid conducted by the police, that apart there are other infirmities in the search and seizure.

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 recovery has been made behind the house of the petitioner, which is accessible to all, coupled with the fair antecedent of the petitioner, 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 Special Judge, Excise Court No. 2, Katihar in connection with Rautara P.S. Case No. 43 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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