

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71070 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Baliram Sah S/o Bharginath Sah R/O Village- Katra, P.S.- Bhagwan Bazar,
District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bhagwan Bazar P.S. Case No. 220 of 2023, registered on 27.05.2023 for the alleged offence under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about 4-5 persons moving huge consignment of illicit liquor. A raid was conducted at identified place and when the police reached near the hut of the petitioner, five persons tried to escape from there on seeing the police party. Two of them including the petitioner were apprehended who disclosed the name of other co-accused persons who fled away from the spot. Five plastic bags containing 200 litres of country made



liquor were recovered from the side of the hut of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The police apprehended the petitioner merely on suspicion. The petitioner has no concern with the said hut (Palani) or the recovered liquor from there. The said hut in an open place and no one was residing in the hut. Nothing incriminating has been recovered from the conscious possession of the petitioner. The search and seizure was not after following the law prescribed and the witnesses are not independent witnesses. The petitioner has got no criminal antecedent. The petitioner is in custody since 28.05.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner submitting that huge quantity of illicit liquor was recovered from the hut of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions



Judge 2nd -cum- Exclusive Special Judge, Excise, Saran at Chapra/concerned court in connection with Bhagwan Bazar P.S. Case No. 220 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

