

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69716 of 2023

Arising Out of PS. Case No.-341 Year-2023 Thana- BANIAPUR District- Saran

Rahul Ranjan Kumar Singh @ Ranjan Singh, son of Kushar Singh, Resident
of Vill. Baniapur, P.S. Baniapur, District Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Harsh Anuj, 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 Baniyapur P.S. Case No. 341 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment), Act, 2022.

3. As per the FIR, it is alleged that on receipt of the
secret information, regarding involvement of the petitioner in
trafficking of illicit wine, when the police conducted a raid, 60
litres of beer was recovered from the bush behind the Bajaj
Agency.

4. It is submitted on behalf of the petitioner that the
petitioner has neither any concern with the place from where the
recovery has been made nor with the illicit wine/beer. That



apart, recovery has been made from an open place that is accessible to all. He next submits that there are other infirmities in search and seizure and, *prima facie*, from perusal of which it appears that the place of seizure has been shown to be only village Mirzapur, moreover, witnesses are none but the police personnel. He further submits that the reason for false implication is of his previous criminal antecedent which has been mentioned in paragraph 3, however, he is on bail in the said case.

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 from an open place which is accessible to all, apart from other 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 court of 1st Special Judge, Excise, Saran, in connection with Baniyapur P.S. Case No. 341 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)

Anjani/-

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

