

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76124 of 2023

Arising Out of PS. Case No.-454 Year-2019 Thana- NAUTAN District- West Champaran

Baljeet Rao @ Baljeet Singh Son of Late Joginder Rao R/o vill - Ward no. 2,
Shivrajpur, P.S. - Nautan, Distt. - West Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Asha Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Swapnil Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 454 of 2019 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. On the information about the involvement of some accused persons including the petitioner in trade of illicit liquor, the police conducted raid on the bank of Sheorajpur Ghat. However, noticing the police party, all the accused persons, including the petitioner succeeded in fleeing away. On search, total 119.255 liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that the alleged recovery has been made from an open place, which is



easily accessible to all. That apart, the name of the petitioner has been disclosed by unknown local residents, and as such, the complicity of the petitioner appears to be suspicious. He further submits that the reason behind the false implication of the petitioner in the present case is one criminal antecedent of identical nature. He next submits that there are various other infirmities in the search and seizure. Moreover, no incriminating material has been recovered from the whereabouts of the petitioner. The petitioner 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 opposes 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 easily accessible to all, coupled with the manner of identification, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, District, West Champaran in connection with Nautan P.S. Case



No. 454 of 2019, subject to the condition as laid down under
Section 438(2) of the Cr.P.C, with further condition that one of
the bailors shall be the own/close family members of the
petitioner.

(Harish Kumar, J)

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