

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76173 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Kallu @ Rajwant Singh Son Of Jeevdas Singh Resident Of Santhi, P.S. -
Raghunathpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Shailendra Kumar Dwivedi, learned
counsel appearing on behalf of the petitioner and the, learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Raghunathpur P.S. Case No. 176 of 2023, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. The police on a secret information conducted raid
and in course of search 303.240 liters illicit wine has been
recovered from a bush near the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that even as per the narration made in the
FIR, admittedly, the alleged recovery has been made from a
bush, which is said to be kept near the house of the petitioner,



which is an open place accessible to all. He further submits that the name of the petitioner has been disclosed by the local Chowkidar and, as such, the very identification of the petitioner also appears to be suspicious, moreover, there are other infirmities in the search and seizure, apart from the fact that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the huge recovery has been made nearby the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery has been made from an open place, easily accessible to all, coupled with the infirmities in the search and seizure and the fair antecedent of the petitioner, let the petitioner above named 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 Excise Court – II, Siwan in connection with Raghunathpur P.S. Case



No. 176 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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