

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76203 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- BIHTA District- Patna

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Raja Kumar Son Of Hari Prasad @ Hari Prasad Yadav Resident Of
Bhagwatipur, P.O. - Bajidpur, P.S. - Bihta, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Bajarangi Lal, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Bihta P.S. Case No. 183 of 2023 registered for the offences
punishable under Sections 30(a) and 41(i) of the Bihar
Prohibition and Excise Act.

3. The allegation against the petitioner is of
involvement of trade in illicit wine and concealment of huge
quantity of liquor. The police on a tip-off raided the house of the
petitioner and altogether 650.055 liters of illicit foreign liquor
recovered from the heap of the sand kept on the land of the
petitioner.

4. Learned counsel for the petitioner submits that the
alleged recovery has been made from the heap of the sand,



which was though kept on the land of the petitioner but as there was no fencing, the same was easily accessible to all. He further submits that, in fact, the land was given to some persons, who used to keep the sand over it and the petitioner had no knowledge of keeping any illicit wine below the heap of the sand. He next submits that there are other infirmities in the search and seizure as all the witnesses to the seizure are none but the police personnel. Had the seizure been taken place on the land of the petitioner, a copy of the same must be handed over to any of his family member but the same does not reflect from the seizure list. He lastly submits that the petitioner is a man of fair antecedent and he 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 vehemently opposes the bail application and submits that a huge quantity of illicit wine has been recovered from the land of the petitioner.

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 land of the petitioner, which was used for keeping sand, coupled with his fair antecedent and other infirmities in search and seizure, 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 Chief Judicial Magistrate, Patna in connection with Bihta P.S. Case No. 183 of 2023, 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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