

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76169 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- PRATAPGANJ District- Supaul

Shrawan Sharma @ Sarwan Kumar Sharma S/O Satya Narayan Sharma R/O
Village- Bhalukup, Ward No. 04, P.S.- Pratapganj, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shatrughan Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Shatrughan Pandey, 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 Pratapganj P.S. Case No. 114 of 2023, registered for the
offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. The police on a secret information conducted raid
in the house of the petitioner, however, noticing the police party
all the family members succeeded in fleeing away. In course of
search total 27 liters Nepali illicit wine has been recovered from
the courtyard of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that the alleged recovery has been made from



the courtyard, which is in possession of a joint family and an open place, accessible to all. Further the allegation made in the FIR, it is evident that having noticing the police party all the family members succeeded in fleeing away thus, inference can be drawn that there were various other family members, but only because of the fact that the petitioner is the head of the family, he has been made accused in this case. Moreover, the petitioner has fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court. He lastly submits that the search and seizure suffer from various infirmities, moreover, copy of the seizure list has not been handed over to any of the family members of the petitioner or the neighbors, this also makes the entire case suspicious.

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

6. Regard being had to the submissions made on behalf of the parties and considering the manner in which search and seizure has been made, coupled with 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 Exclusive Special Judge Excise, Excise Court No. - 02, Supaul in connection with Pratapganj P.S. Case No. 114 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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