

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76192 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- BAJPATTI District- Sitamarhi

Vikram Chaudhary @ Vikram Kumar, Son of Pratap Chaudhary, Resident of
Village- Pipradhi, Ward No.10, P.S. - Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
		Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Mahendra Thakur, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Bajpatti P.S. Case No. 59 of 2023 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. Allegedly the police on receipt of secret
information, conducted raid, and in course of search 6 litres of
Nepali Saufi liquor was recovered beneath the straw, kept beside
the house of the petitioner.

4. It is submitted on behalf of the petitioner that the
alleged recovery has been made from the bundle of straw, which



was kept beside the house of the petitioner and, as such, admittedly the recovery has been made from an open place, accessible to all. He further submits that there is various other infirmities in the search and seizure, apart from the fact that the seizure list witnesses are non-else, but the police personnel. Moreover, had the recovery been taken place beside the house of the petitioner, there would have certainly the receipt of any of the family members of the petitioner, but neither the witness nor there is signature of any family member of the petitioner. 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 proceedings of the court.

5. On the other hand, learned APP 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, easily accessible to all, apart from the other infirmities in the search and seizure, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of



Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court, Sitamarhi in connection with Bajpatti P.S. Case No. 59 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

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

