

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32296 of 2024

Arising Out of PS. Case No.-197 Year-2024 Thana- ALAMGANJ District- Patna

Rajendra Saw @ Rajendra Kumar Son of Atwari Saw @ Etwari Saw Resident
of Gur ki Mandi Bag, Bhup Singh Lane, PS- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Arvind Kumar Pradhan, learned counsel
for the petitioner and Mr. Akshay Lal Pandit, learned APP for
the State.

2. The petitioner apprehends his arrest in connection
with Alamganj P.S. Case No. 197 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. The police on a secret information that co-accused
Pramod Gupta and Guddu Mod are indulged in keeping and
selling illicit wine conducted raid in the house of the petitioner
and on search 20 liter country made liquor recovered.

4. It is contended on behalf of the petitioner that
though the allegation has been levelled that the alleged recovery
has been made from the house of the petitioner, the search and



seizure clearly falsifies the prosecution case, as neither the copy of search and seizure has been handed over to any of the family members of the petitioner nor there is any independent witness to the alleged seizure list. Both the witnesses to the seizure are police personnel and thus in contravention of Section 100 of the Cr.P.C. It is further contended that there is no material suggesting that the house in question belongs to the petitioner. The contention of the petitioner is that the house in question is a joint family property wherein several persons reside and for any recovery the petitioner cannot be blamed, that too when the petitioner bears no criminal antecedent.

5. On the other hand, learned counsel for the State opposed the bail application and submits that the seizure list clearly suggests that the recovery was made from the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the submission of the petitioner that irrespective of the fact that the alleged recovery was made from the house of the petitioner but there is neither any independent witness nor the copy of seizure has been handed over to any of the family members of the petitioner, coupled with his fair antecedent, 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 Judge, Excise, Patna City in connection with Alamganj P.S. Case No. 197 of 2024, 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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