

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32959 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- ARA NAGAR District- Bhojpur

Ravi Kumar Son Of Late Bharat Mahto @ Bharat Prasad Singh @ Bharat Prasad Village- Rauja Mohalla, P.S. Ara Town, District Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-05-2024 Heard Mr. Shailesh Kumar, 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 Ara Town Thana P.S. Case No. 210 of 2024, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on receipt of secret information regarding the trade of illicit wine conducted raid. Noticing the police personnel, the three persons, who were holding the bag in their hand, started fleeing away. On chase, one of the accused persons was apprehended by the police, who disclosed the name of the petitioner. In the course of search, total 250 liters of country made liquor was recovered from a bush.



4. Learned counsel appearing on behalf of the petitioner contended that the save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner. Moreover, the alleged recovery of country made liquor has been made from a bush, which is far away from the house of the petitioner. It is next contended that the seizure list witnesses are none else but the police personnel; that apart the seizure list depicts that the recovery has been made from a bush in Rauja Mohalla. Further contention has been made that only on account of the past criminal antecedent of the petitioner in identical nature of the offence his name has been implicated in this case without there being any material constituting any offence under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

5. On the other hand, learned counsel for the State opposed the pre-arrest 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 a bush, which is an open place easily accessible to all, coupled with the infirmities pointed out by the petitioner in search and seizure, let the petitioner 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 Court of Exclusive Special Excise Court-I, Bhojpur, Ara in connection with Ara Town Thana P.S. Case No. 210 of 2024, 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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