

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35476 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- KADWA District- Katihar

Panch Lal Sharma @ Panchanand Sharma @ Panchand Sharma Son Of Late
Ravi Sharma Village- Mahammadpur, Ps- Kadwa, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kadwa P.S. Case No. 41 of 2024, GR No. 821 of 2024 registered for the alleged offences under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2016.

03. As per prosecution case, the police received secret information about petitioner trading in illicit liquor and keeping the same in his house. A raid was conducted and recovery of 200 litres of raw-material for making illicit liquor and 75 liters of country made liquor was made from the hut of the petitioner, who fled away from the spot, when raid was being conducted by the police.



04. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession and no recovery has been made from the house of the petitioner. It has even been mentioned in the FIR that the hut from which recovery has been made lies about some distance from the house of the petitioner. But the petitioner has got no concern with the hut from where recovery has been made. The petitioner has been falsely implicated in this case at the instance of local *chaukidar* and other persons, who are on inimical terms with the petitioner. The seizure list has been prepared without following the procedure prescribed under the law. Petitioner is having no criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that there is specific allegation against the petitioner that the illicit liquor has been recovered from the hut of the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and especially the submission made on behalf of the petitioner that there is no material to show the relationship with the petitioner with the hut from where recovery has been shown and the clean antecedent



of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Exclusive Special Excise Court No. 2, Katihar/concerned court in connection with Kadwa P.S. Case No. 41 of 2024; GR No. 821 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

siwani/mdrashid

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

