

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38799 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- PARBATTa District- Khagaria

Raushan Kumar, S/O Hareram Chaudhary, R/O Village kanhaiyachak, P.S.
Parbatta, Distt-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 69 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. As per prosecution case, police received secret information about petitioner and other co-accused persons bringing huge quantity of liquor and concealing it in the open land of the petitioner situated outside the village. A raid was conducted and a number of persons fled away from the spot. The place was searched and from the *basa* of this petitioner, 102.75 litres of foreign liquor was recovered which was concealed beneath the soil and in the bushes.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent has been falsely implicated in this case. Nothing incriminating has been recovered from person or possession of this petitioner. Recovery has been shown from an open place and the petitioner has no concern with the seized liquor. There is complete violation of Section 100 of Cr.P.C. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery has been shown from an open place and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner named above, 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 Special Excise Judge-IIInd, Khagaria/ court concerned, in connection with Parbatta P.S. Case No. 69 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)

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