

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53374 of 2024

Arising Out of PS. Case No.-266 Year-2024 Thana- RANIGANJ District- Araria

Pramod Sah @ Pramod Kumar Son of Laxmi Sah Village- Raniganj, Ward
No. 7, Ps- Raniganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Raniganj P.S.

Case No. 266 of 2024 registered for the offences punishable

under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be

engage in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 5 litres of IMFL/country made

liquor.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner has been falsely implicated with the present case as recovery of illicit liquor was made from the house of the petitioner, where non-compliance of Section 100 (4) of Cr.P.C. qua search of house in issue making entire search questionable. It is submitted that house of petitioner was occupied by other family members and therefore, recovery of illicit liquor cannot be said to be made from the conscious physical possession of this petitioner. It is also submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact that recovery of illicit liquor appears doubtful from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-1st, Araria/concerned Court below where the case is pending in connection with Raniganj P.S. Case No. 266 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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