

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79357 of 2024

Arising Out of PS. Case No.-510 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

Mukhiya Ram Son of Baban Ram Resident of village /Mohalla- Khalisa
Musahar Toli, PS -Udwant Nagar, District- Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar .

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in a case instituted for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. It is a case of recovery of 57 litres of illicit liquor from the house of petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern either with the seized illicit liquor or with the other co-accused person.



Neither he was apprehended on the spot nor anything incriminating has been recovered from his conscious possession. The name of petitioner has sprung in this case on the basis of disclosure of *Mahal Chowkidar*. Proper procedure of search and seizure has not been followed in this case as there is no independent witness of the alleged seizure. It is further submitted that petitioner is ready to deposit any reasonable cost/fine before furnishing his bail bond.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail and submitted that illicit liquor has been recovered from the house of petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Udwantnagar P.S. Case no. 510 of 2023, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Excise Judge II, Bhojpur, Ara,
subject to the conditions as laid down under section 438(2) of
the Cr.P.C.

7. The petitioner is directed to deposit a sum of
Rs. 10,000/-(Rupees Ten Thousands) in the concerned
District Legal Services Authority.

8. The bail bond of the petitioner shall be
accepted by the learned Court below on showing receipt of
deposit of Rs. 10,000/-(Rupees Ten Thousands) in District
Legal Services Authority of concerned District.

(S. B. Pd. Singh, J)

Nirajkrs/-

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