

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80841 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- BHAWANIPUR District- Purnia

Pankaj Choudhary @ Pankaj Kumar Choudhary Son of Late Vakil Choudhary
Resident of Village- Bhawanipur, P.S. - Purnia, District - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor for the
State.

2. The petitioner apprehends his arrest in connection
with Bhawanipur P.S. Case No.183 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 of
involvement in trade of illicit wine, the police conducted raid in
the house of petitioner, however noticing the police party the
petitioner succeeded in fleeing away. On search total 9 liters of
Indian made foreign liquor was recovered from the kitchen of
the house.

4. Learned counsel appearing on behalf of the
petitioner referring to the FIR contended that the entire search



and seizure smacks malafide for the simple reason that apart from the seizure list witnesses being police personnel the copy of the seizure list has also not been served upon any of the family member. Had the recovery been made from the house of the petitioner, at least the copy of the seizure list must be served upon any of the family members. It is next contended that there is no compliance of section 103 and 105 of BNS which also strengthen the case of the petitioner of alleged malafide at the level of the police officials. The petitioner bears fair antecedent and there is complete denial of any recovery from the house/premises of the petitioner. The petitioner undertakes that he will fully cooperate in the investigation and the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application and submits that recovery of illicit wine from the house of the petitioner speaks loud.

6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure as disclosed herein above coupled with the fair antecedent, let the petitioner above named 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 Exclusive Special Judge, Excise Judge-II, Purnea in connection with Bhawanipur P.S. Case No.183 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)

Prakash Narayan

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