

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2401 of 2024

Arising Out of PS. Case No.-1996 Year-2023 Thana- Excise P.S. District- Muzaffarpur

Sudhir Sah @ Sudheer Kumar, Son of Shankar Sah, Resident of village-
Neuri, ward no. 7, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate
Mr. Sagar Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mrs. Rashmi Jha, learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 1996 of 2023 registered for the offences under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The police on a secret information conducted a raid over the poultry farm of the petitioner and after breaking the lock of the same, the raiding party recovered 509.760 litres of foreign liquor, kept concealed there.

4. It is submitted on behalf of the petitioner that, in fact, the alleged recovery has been made just near the poultry farm, however, on suspicion, the name of the petitioner has been implicated in this case. That apart, the search has been



conducted in an unauthorized manner after breaking the lock of the poultry farm and there is no independent seizure list witnesses, which also makes the entire prosecution case doubtful. The petitioner also bears fair antecedent and undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the entire raid was conducted under the video-graphy and thus there is no question of any false implication of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no independent witness to the search and seizure and the petitioner having fair antecedent, apart from the undertaking that he will fully cooperate in the investigation, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-II, Muzaffarpur in connection with Excise P.S. Case No. 1996 of 2023, subject to the condition as laid down



under Section 438 (2) of the Cr.P.C. with the further condition
that one of the bailors shall be the own/close relative of the
petitioner.

(Harish Kumar, J)

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