

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4074 of 2024

Arising Out of PS. Case No.-571 Year-2023 Thana- DHAKA District- East Champaran

Raju Singh, S/O Sakaldeo Singh, Village- Semra, P.S.- Dhaka, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha, Advocate
		Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 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 Dhaka P.S. Case No. 571 of 2023 registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act.

3. Allegedly, the police on a secret information conducted a raid at the house of the petitioner and on search 42.3 litres of Nepali liquor was recovered. However, noticing the police party, one of the persons succeeded in fleeing away, who was identified by the local Chaukidar, as the petitioner.

4. It is submitted on behalf of the petitioner that the alleged recovery has not been made from the house of the



petitioner, rather the same has been made behind his house. She drew the attention of this Court to the seizure list and with reference thereto submission has been made that even in the seizure list, the place of seizure has been described as village Semra, whereas the witnesses are non-else than the police personnel. She further submitted that had the seizure been made in the house of the petitioner, there would have certainly been the signature of any of the members of the family on the seizure list and the copy of the same must have been handed over to them. She next submitted that the petitioner is a patient suffering from infection with the human immunodeficiency virus, apart from having fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the seizure list, which only shows that the recovery has been made from village Semra, coupled with the fair antecedent, 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 Exclusive Special
Excise Court No.3, East Champaran, Motihari in connection
with Dhaka P.S. Case No. 571 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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