

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27314 of 2025

Arising Out of PS. Case No.-481 Year-2024 Thana- NOKHA District- Rohtas

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Sheojee Tanto @ Sheojee Ram S/o- Late Lakhan Tanto Village- Bhawrah W.
No-11, PS- Nokha Dist- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Nokha P.S. Case No. 481 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of indulged in trade of illicit wine; the police conducted raid in the house of the petitioner and in course of search, 10 lts. of country made wine was recovered from the roof of the house of the petitioner.

4. Learned counsel for the petitioner contended that entire prosecution case falls to the ground for the simple reason that the seizure list categorically demonstrates that the witnesses are none else but the police personnel. Had the



recovery been made from the house of the petitioner, there would have been signature of any of the family members but neither there is signature of any of the family members nor copy of the seizure list has been handed over to anyone. It is further contended that even if the allegation is taken to be true, for the sake of argument, the house of the petitioner is a joint family house where several persons reside and for that the petitioner cannot be held accountable for the same. Moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that recovery of illicit wine from the house speaks loud about complicity of the petitioner, coupled with the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2016')

6. Regard being had to the submissions made on behalf of the parties and considering infirmities in search and seizure, coupled with the fact that the alleged recovery has been made from a joint family house of the petitioner; moreover, there is no other material, which attracts prescriptions as provided under Section 76(2) of the Act, 2016, apart from fair



antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-2-cum-District & Additional Sessions Judge, Rohtas at Sasaram in connection with Nokha P.S. Case No. 481 of 2024, subject to the condition as laid down under Section Section 482(2) of the B.N.S.S., with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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