

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81484 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- HARLAKHI District- Madhubani

Jawahar Lal Prasad @ Jawahar Lal Singh, Son of Surendra Prasad, Resident
of Village- Pipraun, P.S. - Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Harlakhi P.S. Case No.237 of 2024 registered for the offences punishable under Sections 274, 275 of the Bharatiya Nyaya Sanhita, 2023 and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on a secret information conducted raid and recovered 180 litres of *Nepali* country made liquor from a hut, which is said to be belonged to the petitioner.

4. Learned Advocate for the petitioner taking this Court through the F.I.R. contended that the alleged recovery has been made at the instance of the local people from a hut, which does not belong to the petitioner. However, only on account of suspicion, the name of the petitioner has been implicated in this



case.

5. There is specific denial of the petitioner in para. 11 of the application that he is not the owner of the said hut.

6. Learned Advocate for the petitioner contended that moreover the allegation, even if, accepted to be true, for the sake of argument, the hut was in an abandoned condition, easily accessible for all and, as such, the petitioner cannot be held accountable for the same. There is various infirmities in the search and seizure, coupled with the non-compliance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. On the other hand, learned APP for the State opposes the bail application and submits that the recovery of illicit liquor from the hut clearly suggests the involvement of the petitioner in the crime.

8. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, as also the infirmities in the search and seizure and the fair antecedent of the petitioner along with the absence of any ingredients, which attracts the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No.237 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

