

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28404 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- MADANPUR District- Aurangabad

Abhay Kumar Son of Haridwar Yadav Resident of Village - Ora , P.s.-
Aurangabad (Mufasil), Dist.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 06-08-2022 Learned counsel for the petitioner seeks permission to
make rectification at paragraph 12 and 16 in the petition.

Permission is granted.

Heard learned counsel for the petitioner and learned
A.P.P for the State through virtual Court proceedings.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

Allegation is of recovery of 180 liter liquor from the
Tempo bearing Registration No. BR-26A-3743.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has no concern with the seized



liquor and tempo. It is submitted that mandatory provision of Sub-section 2 of Section 74 and Section 82 of the Bihar Prohibition and Excise Act with respect to search and seizure have not been followed. Further, it is submitted that nothing has been recovered from the physical possession of the petitioner. It is further submitted that the petitioner is in custody since 12.03.2022 and has antecedent of one case.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Madanpur P.S. Case No. 110 of 2022.

(Khatim Reza, J)

Gaurav Kumar/-

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