

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29025 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

Vikash Kumar S/o Shiv Govind Yadav @ Shiv Govind R/o village- Bihiya
Sabeb Tola, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramashray Roy, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 06-08-2022 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 and Prohibition and Excise Act.

Allegation is of recovery of 8.460 litres U.P. made
liquor from a bag, which was kept on the upper rack of the
compartment of the train.

Learned counsel for the petitioner submits that the
petitioner is innocent and the said bag was kept on the upper
rack of the compartment where the petitioner was sitting.
Further it is submitted that the petitioner has no concern with



the said bag and recovered liquor and his name transpired in this case only on the basis of suspicion. 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. No incriminating articles have been recovered from the possession of the petitioner. It is further submitted that the petitioner is in custody since 13.03.2022 and is a person with clean antecedent.

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 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) only each two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Buxar Rail P.S. Case No. 45 of 2022.

(Khatim Reza, J)

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