

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28922 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- RAJAOLI District- Nawada

Rakesh Kumar Son Of Raj Kumar Prasad R/O Village- Rajauli Takua Tand
(Mahadev), P.S.- Rajauli, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and Ms.

Dr. Indihar Kumari, 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), 37(c)
and 41 of Bihar Prohibition and Excise Act.

Allegation is of recovery of 72 litres of Mahua liquor
from lane, where petitioner along with other co-accused persons
were standing after seeing the police personnel started to flee
away out of which one person namely, Rakesh
Kumar(petitioner) apprehended.

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



illicit liquor and nothing has been recovered from the conscious possession of the petitioner. It is submitted that mandatory provision of Sub-section 2 of Section 74 and Section 82 of Bihar Prohibition and Excise Act with respect to search and seizure have not been followed. It is further submitted that the petitioner is in custody since 05.03.2022, 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 Rajauli P.S. Case No. 99 of 2022.

(Khatim Reza, J)

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