

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28948 of 2022

Arising Out of PS. Case No.-279 Year-2022 Thana- BARHARA District- Bhojpur

Md Akabar S/O Md Asgar Resident Of Village- Gundi, P.S.- Barahara,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P

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 Sections 30(a), 36
and 37(b) of Bihar Prohibition and Excise Act.

As per the prosecution, on secret information, informant
along with police personnel reached at the orchard of Yogendra
Singh, where Md. Akabar (petitioner) was packing liquor and
after seeing police he tried to flee away but caught by the police
personnel and he found in drunken position. On search, 50 liter
countrymade liquor was recovered from the said place.

Learned counsel for the petitioner submits that the



petitioner is innocent and the seized liquor was not recovered from the physical possession of the petitioner and he has been implicated in this case 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. It is further submitted that the petitioner is in custody since 22.04.2022 and is 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 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 Barahara P.S. Case No. 279 of 2022.

(Khatim Reza, J)

Gaurav Kumar/-

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