

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29097 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Munil Rai S/o Siyaram Ray R/o village- Sandha Damber Motipur Nagar
Panchayat Motipur, Ward No. 12, Bakhri, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pronoti Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-08-2022 This matter has been heard via video conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 30(a), 41
(i) (ii) of the Bihar Prohibition and Excise Act.

Allegation is of recovery of 51.840 liters of illicit
foreign liquor from a Wagonar car bearing Registration No.
DL2CZ-5566.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has no concern with the seized
liquor. It is submitted that the petitioner was not caught at the
spot, he has been made accused on the basis of confessional
statement of Rupa Tiwari, who has already been granted bail by



a Co-ordinate Bench of this Court, *vide* order dated 03.01.2022 in Cr. Misc. Case No. 34222 of 2021. It is further 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 the petitioner is in custody since 17.12.2021 and is a person with clean antecedent.

Learned A.P.P 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 with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Motipur P.S. Case No. 54 of 2021.

(Khatim Reza, J)

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