

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29004 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Barun Kumar @ Barun Rai @ Sonu Son of Murlai Rai R/o Village - Uchaith,
Ward No. 12, P.S. - Benipatti, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

Nirmala 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) of
Bihar Prohibition and Excise Act.

Allegation is of recovery of 861 litres 840 ml. foreign
liquor from a pickup van.

Learned counsel for the petitioner submits that the
petitioner is innocent and it is stated that the petitioner is neither
owner of the said pickup van nor the driver of the vehicle and he
has no concern with the seized illicit liquor. 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 stated that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that petitioner is in custody since 18.03.2022 and he has criminal antecedent of four cases.

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 Complaint Case No. C2-22 of 2022.

(Khatim Reza, J)

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