

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30080 of 2022**

Arising Out of PS. Case No.-499 Year-2021 Thana- BODHGAYA District- Gaya

Rajesh Tewari Son Of Late Srinath Tewari R/O- House No.-3, Dilkhusa,
S.T.Park, Circus Avenue, P.S.- Karaya, District- Kolkata- 700017 (WEST
Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Prachi Pallavi, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, 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 272, 273
and 34 of the Indian Penal Code and under Sections 30(a),
32(2), 33, 36 and 41(1) of Bihar Prohibition and Excise Act.

Allegation is of recovery of 4200 liter spirit from a truck.

Learned counsel for the petitioner submits that the
petitioner is innocent and he is neither the owner nor the driver
of the said truck and he is not known to the driver. Further, it is
submitted that he has been implicated in this case on the basis of



confessional statement of the driver. 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 14.03.2022 and is a person with clean antecedent however, after his implication in the present case, the petitioner has been made an accused in Bainsi P.S. Case No. 238 of 2019.

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 Bodhgaya P.S. Case No. 499 of 2021.

(Khatim Reza, J)

Gaurav Kumar/-

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