

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29693 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- GAYA MUFASIL District- Gaya

Md. Firoj @ Shahid Son of Md. Ilash Resident of Ramshila Warish Nagar,
P.S.- Kotwali, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-08-2022 The matter has been heard *via* Video Conferencing.

Heard learned counsel for the petitioner and Mr.
Mritunjay Kumar Nirala, learned A.P.P for the State.

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

Allegation is of recovery of 70.875 liters foreign
liquor from a tempo.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has no concern with the seized
foreign liquor. 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 a passenger and he was not familiar to the driver of the tempo. Nothing has been recovered from the conscious possession of the petitioner and he has been made accused in this case only on the basis of suspicion. It is further submitted that the petitioner is in custody since 13.03.2022 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 P.S. Case No. 150 of 2022.

(Khatim Reza, J)

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