

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30335 of 2022

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

Rahul Tewari Son Of Ramesh Tewari R/O- House No 3, Dilkhusa, St 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

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 also submitted that



there is no substantive evidence to associate the petitioner with the alleged crime. 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.

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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