

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29013 of 2022**

Arising Out of PS. Case No.-133 Year-2022 Thana- DESARI District- Vaishali

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Gautam Kumar S/o Subodh Nayak R/o village- Jagata, P.S.- Raniganj,  
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P

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**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 Section 30(a) of  
Bihar Prohibition and Excise Act.

Allegation is of recovery of 769.350 liter foreign liquor  
from a pick up van bearing Registration No. BR01GG-3370.

Learned counsel for the petitioner submits that the  
petitioner is innocent and he has no concern with the seized  
liquor. Further, it is submitted that the petitioner's name  
transpired on the basis of confessional statement of the driver of  
the said pick up van. 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 24.03.2022 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 Desari (Chandpura O.P.) P.S. Case No. 133 of 2022.

**(Khatim Reza, J)**

Gaurav Kumar/-

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