

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29690 of 2022**

Arising Out of PS. Case No.-43 Year-2022 Thana- ARA RAIL P.S. District- Bhojpur

Vipin Kumar S/O Late Umesh Ram @ Umesh Prasad R/o village- Naya Tola  
Madhopur, Ward No. 14, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kumar, 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. Nand  
Kumar, 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 4.140 liters of English  
liquor from the Poly bag of the petitioner.

Learned counsel for the petitioner submits that the  
petitioner is innocent and he has no concern with the seized  
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. Further, it is submitted that nothing was recovered



from the conscious possession of the petitioner. It is further submitted that the petitioner is in custody since 15.03.2022 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 Ara Rail P.S. Case No. 43 of 2022.

**(Khatim Reza, J)**

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