

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5668 of 2023

Arising Out of PS. Case No.-771 Year-2021 Thana- KUDHNI District- Muzaffarpur

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VINOD RAI @ BINOD RAI @ VINOD KUMAR S/o Late Shivji Ray R/o
Village- Damodarpur Dumri, P.S.- Kudhani, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-04-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Kudhani P.S. Case No. 771 of 2021, dated 24.10.2021 registered
for the offences punishable under Sections 272, 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the alleged wine is stated to have been
recovered near the road situated beside the house of the
petitioner and the said recovery was not made from the
conscious possession of the petitioner and he was not arrested at
the spot and he has been languishing in jail since 04.11.2022
and the search and seizure was not made as per law.



4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly the facts that the alleged recovery was made from a public place which is stated to be near the road situated beside the house of the petitioner and the said seized wine cannot be deemed to have been recovered from the conscious possession of the petitioner and against him investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Kudhani P.S. Case No. 771 of 2021.

(Shailendra Singh, J.)

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