

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10114 of 2018**

Arising Out of PS. Case No.-1185 Year-2017 Thana- SAHARSA District- Saharsa

Ashok Yadav, Son of Surendra Yadav, Resident of Village-Dighia, P.S. +  
District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Karuna Kant Jha

For the Opposite Party/s : Mr. NAVIN KUMAR PANDEY

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      22-02-2018              Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 630 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.12.2017. Charge sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the disclosure made by co-accused Suchen Yadav. It is alleged that 630 liters wine is recovered from a dilapidated hut of Suchen



Yadav. The petitioner has not been apprehended on the spot. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Saharsa in connection with Special (Excise) case No.532 of 2017 arising out of Saharsa (Sadar) P.S. case No.1185 of 2017.

**(Sudhir Singh, J)**

Narendra/-

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