

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9955 of 2018

Arising Out of PS.Case No. -217 Year- 2017 Thana -GORIAKOTHI District- SIWAN

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Sujeet Kushwaha, S/o Jai Kishun Prasad @ Jai Krishna Prasad, R/o
Village- Janki Nagar, P.S.- G.B. Nagar, District- Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satyendra Rai, Advocate.

For the Opposite Party : Mr. Bharat Lal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
18.11.2017 in a case for the offence registered under Sections
30(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 3978
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. Charge sheet/prosecution report has been submitted
in the present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total 3978
liters wine is recovered from the Truck in question. The Truck in



question belongs to the petitioner. The petitioner has not been apprehended on the spot. The name of the petitioner has come on the basis of disclosure made by the co-accused, Prakash Tiwari @ Loha. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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. Other co-accused person has been granted bail by this Bench vide Cr. Misc. No. 58104 of 2017 dated 19.12.2017.

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, let 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 the learned Additional District and Sessions Judge-2nd, Siwan, in connection with Goriakothi P.S. Case No. 217 of 2017.

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(Sudhir Singh, J)