

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.11042 of 2018**

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

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Suchen Yadav, S/o Satya Narain Yadav, R/o Village- Dighiya, P.S.-  
Saharsa Sadar, District- Saharsa.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Bidhan Chandra Jha, Advocate.

For the Opposite Party : Mr. Umeshnand Pandit, A.P.P.

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

2      27-02-2018                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is languishing in custody since  
12.11.2017 in a case for the offence registered under Sections  
30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act,  
2016.

The prosecution story, in brief, is that total 630 liters  
wine is said to have been recovered.

It has been submitted by learned counsel for the  
petitioner that the petitioner has got no criminal antecedent.  
Charge sheet/prosecution report has been submitted in the present  
case. There is no allegation of tampering with the witnesses  
alleged against the petitioner. The petitioner has falsely been



implicated in the present case. It is alleged that total 630 liters wine is recovered from joint house of the petitioner. The name of the petitioner has come on the basis of alleged recovery made from joint house of the petitioner where other family members also reside. 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, 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 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.

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**(Sudhir Singh, J)**

