

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3508 of 2018**

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

Sanjay Yadav @ Sanjai Choudhary, Son of Bir Bahadur Choudhary @ Bira Chaudhary @ Bir Bahadur Rai, resident of Village- Saidpura, Police Station- Goreakothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. NAND KUMAR

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

3     16-02-2018                      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(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 3978 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.11.2017 and has got no criminal antecedent. 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 basis of disclosure made by co-



accused namely Ashok Mishra. The petitioner has not been apprehended at the spot. It is alleged that 3978 liters wine is recovered from the truck in question. The truck in question does not belong to the petitioner. Other co-accused namely Prakash Tiwari has been granted bail vide order dated 19.12.2017 passed in Cr. Misc. No. 58104 of 2017. 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 Additional Sessions Judge-II, Siwan in connection with Goreakothi P.S. Case No. 217 of 2017.

**(Sudhir Singh, J)**

Pankaj/-

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