

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 33766 of 2019**

Arising Out of PS. Case No.-107 Year-2019 Thana- HISUWA District- Nawada

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SANJAY CHAUDHARY Son of Late Parshadi Choudhary Resident of  
Village - Suiya Labarpura, P.S.- Hisua, Distt - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

2      08-08-2019                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case  
registered under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

12 litres of country made liquor is said to have  
been recovered from the wheat field, allegedly kept there by  
the petitioner for vending.

It is submitted by learned counsel for the petitioner  
that no incriminating article has been recovered from the  
conscious physical possession of the petitioner. Petitioner has  
no concern either with the seized liquor or place of recovery or  
any trade of liquor. Place of recovery is open place and is easily



accessible to all. Identity and genuineness of the source of information has not been mentioned in the written report. There is violation of Section 100 Cr.P.C. Hence no offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II cum Special Judge, Nawada in connection with Hisuwa P.S. Case No. 107 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Prakash Chandra Jaiswal, J)**

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