

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60516 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- THARTHARI District- Nalanda

Shyam Kishor Yadav S/O- Kara Yadav Village- Atbal Chak Ps- Tharthari
Dist-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30(a)/(d) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 10 liters of country made liquor from the abandoned place.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. He has no concern either with the seized liquor or with the place of occurrence. There is no independent witness of the seizure list which violates the provision of Section 100 Cr.P.C. Moreover,



the petitioner is languishing in judicial custody since 17.06.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Tharthari P.S. Case No. 231 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-Cum-Special Excise Judge-II, Nalanda at Biharsharif.

(Sunil Kumar Panwar, J)

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