

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66975 of 2023**

Arising Out of PS. Case No.-737 Year-2023 Thana- KAHALGAON District- Bhagalpur

SHYAM CHOUDHARY S/O LATE NARAYAN CHOUDHARY VILLAGE-  
PRAM NAGAR, PS- SABOUR, DIST- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Anil Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      31-10-2023                      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 section 30(a), of the Bihar Prohibition and Excise Act.

3. As per FIR, the petitioner and co-accused persons were apprehended on the spot and from their basket total 77 liters country made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. The petitioner has no concern with the alleged recovery. No any incriminating article has been recovered



from conscious possession of the petitioner. It is further submitted that Section 100(8) of the Cr.P.C. has not been followed while preparing the seizure list. The petitioner is languishing in judicial custody since 22.06.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kahalgaon Rasalpur P.S. Case No. 737 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Bhagalpur.

**(Sunil Kumar Panwar, J)**

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