

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72393 of 2023

Arising Out of PS. Case No.-407 Year-2023 Thana- BARUN District- Aurangabad

Sanjay Chaudhary @ Sanjay Chaudhari Son Of Mangar Chaudhary R/O Vill -
Mohan Ganj, P.S. - Barun, Dist. - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
10 liters of illegal *Mahua* liquor from the house of the petitioner.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner was not apprehended on spot.
The name of the petitioner has come into light on the basis of
disclosure by local *Chaukidar*, which has got no evidentiary
value in the eyes of law. He submitted that the petitioner has no
concern with the seized liquor. No incriminating article has been



recovered from the conscious possession of the petitioner. The provision of Section 100 of the Cr.P.C. has not been followed in this case. He is languishing in judicial custody since 29.08.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court-I, Aurangabad in connection with Barun P.S. Case No. 407 of 2023.

(Sunil Kumar Panwar, J)

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