

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72379 of 2023**

Arising Out of PS. Case No.-500 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Suresh Choudhary @ Suro Choudhary Son Of Late Chotelal Choudhary R/O
Village- Mohammadpur, P.S.- Madhusudanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf
For the Opposite Party/s : Mr.Indu Kumari Srivastava

**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 Sections 30(a) and 37 of the
Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
5 liters of illegal country-made 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. He submitted that the petitioner has no
concern with the wine in question. He submitted that no
incriminating article has been recovered from the conscious
possession of the petitioner and the alleged recovery has been



made from a joint family house 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 18.06.2023.

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 Excise Judge-II, Bhagalpur in connection with Nathnagar P.S. Case No. 500 of 2023.

(Sunil Kumar Panwar, J)

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