

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27487 of 2019

Arising Out of PS. Case No.-580 Year-2018 Thana- NAUTAN District- West Champaran

MANOJ YADAV Son of Yogendra yadav Resident of Village - Norahi, P.S.-
Nautan Dist.- West Champaran..... Petitioner/s

Versus

THE STATE OF BIHAR..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Opposite Party/s : Mr.Dinesh Singh

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

ORAL ORDER

3 29-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 580 of 2018, registered for the offences punishable under Sections 30 (A)/36 of the Bihar Prohibition and Excise Act, 2016..

98.1 liters of foreign liquor is said to have been recovered from two motorcycles and two persons namely Bishambhar Yadav and Guddu Yadav riding on the said motorcycle were apprehended by the police. Apprehended accused disclosed the name of the petitioner and one Pramod Yadav who made good their escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no



concern with with the seized liquor or the vehicle in question. There is nothing on record to indicate the complicity of the petitioner in the occurrence barring the disclosure made by the apprehended accused persons which has no evidentiary value in the eyes of law, hence no offence under Excise Act is made out against the petitioner. He has no criminal antecedent

On the other hand, learned A.P.P. for the State opposed the prayer for bail.

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 four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Act, West Champaran at Bettiah in connection with Nautan P.S. Case No.580 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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