

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72874 of 2019

Arising Out of PS. Case No.-287 Year-2017 Thana- GARDANIBAG District- Patna

CHANCHAL KUMAR @ CHANCHAL YADAV Son of Khekhar Yadav @
Shekhar Yadav Resident of Village - Bhalua Dulhin Bazar, P.S.- Dulhin Bazar,
Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mrs. Meena Singh

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

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 38 (I), (ii)
& 41 (i) of the Bihar Prohibition and Excise Act, 2016.

88.56 liters of foreign liquor is said to have been
recovered from the Maruti car and its driver was apprehended
who disclosed the name of the petitioner as his fleeing
accomplice.

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 either with the seized liquor or with the vehicle in



question or any trade of liquor. There is nothing cogent on record indicating the complicity of the petitioner in the occurrence barring the disclosure made by the apprehended accused due to animosity, which has no evidentiary value in the eye of law. No offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

Learned APP for the State opposed the bail petition.

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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna in connection with Gardanibagh P.S. Case No. 287 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

