

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17947 of 2022

Arising Out of PS. Case No.-380 Year-2021 Thana- PHULWARIYA District- Gopalganj

CHANDAN YADAV S/O CHANDRIKA CHAUDHARI R/o village-
Harihara, P.S.- Phulwariya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State through Video Conferencing.

Petitioner seeks regular bail in a case registered for the offence punishable under under section 30(a) of Bihar Prohibition and Excise Act.

Allegedly, 87.600 liters country made wine was recovered from a motorcycle and one co-accused was arrested with the said motorcycle who disclosed name of the present petitioner who managed to escape at the time of alleged recovery of said wine.

The main submissions advanced by the learned counsel for the petitioner are that petitioner was not arrested at the spot and



his name surfaced in the statement of co-accused and the petitioner has been languishing in jail since 21.01.2022 and case of the petitioner is running for prosecution evidence.

Learned APP opposes the prayer for bail.

Heard both sides and perused the FIR and also order of the learned court below. It appears that the petitioner was not arrested at the spot and his name surfaced in the confessional statement of co-accused who was arrested at the spot and case of the petitioner is running for prosecution evidence as submitted and he has got clean antecedent as mentioned in his bail petition and most of the prosecution witnesses are official witnesses.

Considering the above submissions mainly clean antecedent of the petitioner, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ADJ II-cum-Special Excise Judge Court No. I, Gopalganj in Phulwariya P.S Case No. 380 of 2021.

(Shailendra Singh, J)

s.hassan/-

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