

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36131 of 2022

Arising Out of PS. Case No.-436 Year-2022 Thana- BRAHMPUR District- Buxar

Chandan Kumar Yadav, Son of Virendra Yadav, R/O Vill.-Khandahara
Pandeypur, P.S.- Simari, Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Brahampur P.S. Case No. 436 of 2022
registered for the alleged offences under Section 30 (a) of the
Bihar Prohibition and Excise Act.

As per the prosecution case, during regular checking,
two motorcycles were intercepted and a pillion rider on one of
the motorcycles was apprehended when he fell down from it
with a sack and 41.400 litres of country made foreign liquor was
recovered from the sack. From the second motorcycle on which



another sack was loaded, 43.200 litres of India made foreign liquor was recovered. Petitioner is the person apprehended from the spot.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he has nothing to do with the seized motorcycle or the recovered liquor. The petitioner was not driving the motorcycle and he is not the owner of the said motorcycle. Nothing has been recovered from the conscious possession of this petitioner, who has taken lift on the motorcycle. The petitioner is in custody since 11.06.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner was apprehended from the spot and recovery has been made from the sack which the petitioner was carrying on the motorcycle.

Having regard to the submissions made hereinabove and considering clean antecedent of the petitioner and the period of his custody along with the nature of recovery from him, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.2, Buxar, in connection with Brahamampur



P.S. Case No. 436 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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

