

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64062 of 2023

Arising Out of PS. Case No.-277 Year-2016 Thana- HISUWA District- Nawada

Chandan Kumar @ Chandan Yadav S/O- Umashankar Yadav Village-
Subhash Chauk Ps- Jhumari Tilaiya Dist- Kodarma Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the police intercepted a truck carrying 6864 bottles of foreign liquor and arrested the driver sitting therein. The driver disclosed the name of one Manoj Yadav under whose instruction the illicit liquor was being transported.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case during investigation only on the basis of confessional statement of co-accused Manoj Yadav. He has no concern with the alleged recovery of liquor or



with the vehicle in question. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 16.08.2023 passed in Cr. Misc. No. 49448 of 2023 which is annexed as Annexure-3 of this petition. It is also submitted that petitioner is languishing in judicial custody since 22.07.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration 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 in connection with Hisua P.S. Case No. 277 of 2016 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 Exclusive Special Excise Judge 1st, Nawada.

(Sunil Kumar Panwar, J)

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