

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.23804 of 2024

Arising Out of PS. Case No.-548 Year-2023 Thana- JOGAPATTI District- West Champaran

CHHOTELAL YADAV S/O LATE DAROGA YADAV @ JAMADAR
YADAV R/O VILLAGE- NIMUIYA, P.S- YOGAPATTI, DISTT.- WEST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-06-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act.
3. Learned counsel for the petitioner submits that two
defects were pointed out and out of which, one defect has been
removed and the other defect is with respect to pagination which
is a minor defect.
4. In view of the submissions made by learned
counsel appearing on behalf of the petitioner, the defect no. 2 is
ignored.
5. It is next submitted that petitioner has antecedent of
one case and allegation is of recovery of 31.680 liters of liquor
from a motorcycle.
6. Learned counsel for the petitioner submits that the



petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized motorcycle and he came to be implicated based on the confessional statement of co-accused in police custody which does not have any evidentiary value.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Yogapatti (Nawalpur O.P.) P.S. Case No. 548 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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