

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62144 of 2024

Arising Out of PS. Case No.-69 Year-2021 Thana- CHAUSA District- Madhepura

Nandan Yadav @ Abhinandan Yadav @ Abhinandan Kumar S/O Late Balbir Yadav R/O Village- Bhatgama, P.S- Chausa, Distt.- Madhepura, Bihar- 853204.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Avinash Kumar, Advocate
		Mr. Abhishek Kumar Pandey, Advocate
		Mr. Kuldeep Thakur, Advocate
For the Opposite Party/s :		Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2024 Heard Ld. counsel for the petitioner and Ld. APP for the State.

2. The petitioner apprehends his arrest in connection with Chousa P.S. Case No. 69 of 2021 (Excise Case No. 530 of 2021), dated 23.07.2021 registered for the offences punishable under Sections 272, 273, 420 and 120(B) of the Indian Penal Code and Sections 30(a), 32(3), 33 and 36 of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 2800 litres of spirit, 400 litres of manufacture foreign liquor, 220 pieces of bottle, 3651 seal lid of 375 ml. bottles of sigram company, 2 litre colour and 1976 piece of rapper of Royal Stag Company were recovered from two



different places.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner was neither arrested on the spot nor anything has been recovered from his conscious possession. He has been implicated in this case without any legal basis and hence, no case is made out against the petitioner under the Excise Act. This is only abuse of the Excise Act against the Petitioner and he deserves to be enlarged on anticipatory bail as there is no legal basis to curtail his liberty.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in five other cases.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks



from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-VII-cum Special Judge, Excise-II, Madhepura, in connection with Excise Case No. 530 of 2021 arising out of Chousa P.S. Case No. 69 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has given wrong statement regarding his criminal antecedent, Ld. Court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. Court below shall cancel the bail bonds of the petitioner.

S.Ali/Shoaib

(Jitendra Kumar, J)

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