

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34877 of 2025

Arising Out of PS. Case No.-71 Year-2025 Thana- HATHUA District- Gopalganj

Chandan Kumar @ Chandan Kumar Yadav @ Chandan Yadav Son of Om
Prakash Yadav @ Naga Chaudhary @ Naga Chodhary Resident of Village -
Siyari, Police Station - Muffasil, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection
with Hathua P.S. Case No. 71 of 2025 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged
recovery of 396 liters illicit liquor from the Scorpio vehicle in
question. The apprehended co-accused Rahul Yadav disclosed
the name of the petitioner, who is said to have fled away from
the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged



in the first information report and he has been falsely implicated in this case. Learned counsel submits that petitioner is not the owner of the Scorpio vehicle in question. Except disclosure of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of one case in which he is already on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge XIII-cum-Special Excise Court No. I, Gopalganj



in connection with Hathua P.S. Case No. 71 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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