

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74473 of 2024

Arising Out of PS. Case No.-819 Year-2024 Thana- Excise P.S. District- Aurangabad

1. Chandan Kumar Yadav @ Sujit Kumar @ Chandan Kumar @ Chandan Yadav S/o Deogati Yadav R/o vill - Moradpur, P.S. - Fesar, Distt. - Aurangabad, Bihar
2. Shankar Kumar Yadav @ Akhilesh Kumar @ Shankar Kumar @ Akhilesh Yadav S/o Late Shiv Yadav R/o vill - Moradpur, P.S. - Fesar, Distt. - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-01-2025 Vide order dated 21.10.2024, this application with regard to petitioner no. 1 is dismissed as withdrawn.

2. Now, this application is being heard only with regard to petitioner no. 2.

3. Heard learned counsel for the petitioner and learned A.P.P. for the State.

4. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

5. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. He submits that there is no recovery from the conscious possession of the petitioner rather 838.080 litres of foreign liquor is said to have recovered from the seized van. He submits that the petitioner is neither driver nor owner of the said seized vehicle. He further submits that the petitioner was not apprehended on the spot. The petitioner has one criminal antecedent as stated in para-3 of the bail application.

6. Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the account of Lawyer's Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

7. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Excise P.S. Case No.819 of 2024, subject to the condition as laid



down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

8. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Lawyer's Association Welfare Benevolent Fund.

(Anjani Kumar Sharan, J)

anand/-

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