

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11396 of 2026

Arising Out of PS. Case No.-814 Year-2025 Thana- Excise P.S. District- Bhagalpur

Chandan Yadav S/o Late Fulo Yadav Resident of - Block Road, Mirjapur,
Naya Tola, Nurpur, P.S - Nathnagar, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-04-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) and 47 of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 500 litres of liquor codeine cough syrup from
Mahindra goods carriage auto.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the fact that he is owner of the seized auto.
It is next submitted that no prudent person would use his own



vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated and at the same time, shall bring disrepute to his business. It is further submitted that no doubt, the codeine was recovered from the vehicle owned by him, but then, the petitioner is in a transport business. It is also submitted that the codeine was booked by Bsybees Logistic Company at Panipat for it being delivered to Saha Drug Agency at Naugachia, thereafter the codeine was brought to the godown of Ravi Enterprises at Bhagalpur from where the consignment was loaded on the vehicle of the petitioner which was being driven by Ravi accompanied by his son Adarsh when police apprehended the vehicle and Ravi along with Adarsh were arrested. It is next submitted that petitioner being owner came to be implicated when codeine was booked from Panipat for being delivered at Naugachia. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application.

6. 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 Court below



within a period of six weeks, is directed to be released on provisional anticipatory bail 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 the learned Trial Court where the case is pending/successor Court in connection with Excise (Sadar) P. S. Case No.814 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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