

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78776 of 2023**

Arising Out of PS. Case No.-149 Year-2021 Thana- AMBA District- Aurangabad

CHANDAN KUMAR SON OF SHAMBHU NATH PANDEY @ CHHOTAN
KUMAR PANDEY R/O VILLAGE- KISHUNPUR JIWDHARA, P.S.-
PIPRA KOTHI, DISTRICT- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 12-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Amba P.S. Case No. 149 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

3. Altogether 2541.600 litres of foreign liquor has been recovered from the truck bearing Registration No. BRGB-6811. Two persons were apprehended on the spot and disclosed that the consignment belong to the petitioner and his associates.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either



with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against him is general and omnibus. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has one criminal antecedent of similar nature as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as petitioner has one criminal antecedent of similar nature, I am not inclined to enlarge him on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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