

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8342 of 2019

Arising Out of PS. Case No.-219 Year-2018 Thana- AANDAR District- Siwan

PREM KUMAR @ MUNNA PANDIT, male, aged about 46 years, S/o Late
Raj Banshi Das @ Rajvanshi Pandit resident of village-Usari, P.S. M.H.,
Nagar Hasanpur, district Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Arbind Kumar Pandey (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
01.11.2018 in connection with Andar (M.H. Nagar) P.S. Case
No. 219 of 2018 for offences punishable under Sections 272,
273, 420 & 34 of the Indian Penal Code and Sections 30(a), 38
and 41(i) of the Bihar Prohibition & Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information the house of the
petitioner was raided and on the 1st floor in a corner of a room
137.520 litres of illicit foreign liquor was recovered. From the
tractor, outside the house of the petitioner, 907.200 litres of
foreign liquor was recovered, and, accordingly, two separate



seizure-lists were prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated in the aforesaid case just because he has a criminal antecedent and the illicit liquor was planted in his house. He submits that the tractor and the illicit liquor loaded in the tractor did not belong to him and that charge-sheet has already been submitted there being no allegation of tampering of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that huge quantity of illicit liquor was recovered from the house of the petitioner as well as the tractor parked outside the house of the petitioner.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of six months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 2nd, Siwan, in connection with Andar (M.H. Nagar) P.S. Case No. 219 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

2. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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