

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78509 of 2018

Arising Out of PS. Case No.-351 Year-2018 Thana- MAIRWAN District- Siwan

Shambhu Pandey, @ Sambhu Pandey son of Late Dhakun Pandey @ Sachidanand Pandey, resident of village-Ram Punak, P.S.-Darauli, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Adv.

For the Opposite Party/s : Smt. Sharda Kumari (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 10-01-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Mairwa P.S. Case No. 351 of 2018 registered for the offences punishable under Sections 272, 273, 308/34 of the Indian Penal Code and Section 30(A) 38(1) 41(i) of Bihar Prohibition and Excise Act, 2016.

Informant who is a police officer has alleged that while he was on patrolling duty two motorcycles coming from Uttar Pradesh was intercepted on which three miscreants were sitting and after seeing the police tried to flee away. However, they were apprehended on chase and they disclosed their name as Seikh Aksar, Seikh Toffic and Raja Kumar God. It has been subsequently alleged that they disclosed that they used to give the illicit liquor to petitioner to be sold.



It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner is not named in the FIR. Petitioner has nothing to do with the seized liquor. The wife of petitioner is Surpunch of Panchayat and due to political rivalry he has been falsely implicated in this case. Petitioner is in custody since 09.11.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 2nd-cum-special Judge, Excise, Siwan, in connection with Mirwa P.S. Case No. 351 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

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