

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5905 of 2020

Arising Out of PS. Case No.-132 Year-2019 Thana- JIRADEI District- Siwan

CHANDRA MOHAN PANDEY Son of Late Indrajeet Pandey @ Lal Babu
Pandey Resident of Village - Jamapur, P.S.- Jamo Bazar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 10-06-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Ziradei P.S. Case No. 132 of 2019, disclosing offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

It is alleged in the F.I.R. that on the basis of secret information, the police had conducted raid leading to recovery of 5.40 liters of illicit liquor kept on a motorcycle. The occupant of the motorcycle had managed to flee away, whose name was allegedly disclosed by the villagers.

It is the petitioner's case that there is no recovery from the petitioner's possession and place from where the



motorcycle with illicit liquor was recovered by the police was clearly not from the conscious possession of the petitioner at the time of seizure. The motorcycle, according to the petitioner does not belong to him. It is accordingly, the petitioner's case that bar of grant of anticipatory bail under Section 76(2) of the Bihar Prohibition and Excise Act, has no application.

On perusal of the F.I.R., and in the light of clear statement made in application that the petitioner has no concern with the motorcycle seized by the police, I am *prima facie* satisfied with the petitioner's contention that the bar under Section 76(2) shall have no application. Considering the facts and circumstances of the case, this application is accordingly allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II cum Special Judge, Excise Siwan in connection with Ziradei P.S. Case No. 132 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of criminal Procedure.

This is subject to the condition that the petitioner shall



present himself before the Police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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