

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11463 of 2020

Arising Out of PS. Case No.-529 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

MANISH PANDEY S/o Ram Naresh Pandey R/o village- Dharampur Bande,
Ward No. 11, P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Vijay Anand
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-06-2020 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor representing the State,

through Video Conferencing.

This application for grant of anticipatory bail arises
out of Excise Case No. 529 of 2019, disclosing offence under
Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the
prosecution Report, is that the Excise Officials recovered
5267.88 litres of illicit liquor from a room situated at the open
cow-shed of the accused persons.

Learned Senior Counsel for the petitioner submits that
from perusal of the prosecution report, it would be evident that



the Excise Officials, at the same time, raided the premises of the two accused persons and from perusal of Column-II of the prosecution report, it would be evident that co-accused Vicky Pandey is resident of Ward No. 16 and the petitioner is the resident of Ward No. 11 and the distance between the houses of the petitioner and the co-accused is about 02 kms. He, referring to paragraph 16 of this application, submits that the petitioner has got no property situated in Ward No. 16. He next submits that the place of seizure of illicit liquor at Column-VI of the prosecution report, does not disclose as to whether the illicit liquor has been recovered either from the premises of the petitioner or the premises of the co-accused. He further submits that without prejudice to the same, it appears that the illicit liquor has been recovered from and near the open cow-shed, which may be accessible to all and sundry.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and the illicit liquor has been recovered from and near the open cow-shed and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur, in connection with Excise Case No. 529 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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