

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19193 of 2020

Arising Out of PS Case No.-437 Year-2019 Thana- BRAHAMPUR District- Buxar

Santosh Pandey, Male, aged about 30 years, Son of Yamuna Pandey, Resident of Village - Sapahi, P.S. Brahmpur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Usha Rai, Advocate
For the State	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 21-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Ms. Usha Rai, learned counsel for the petitioner and Mr. Harendra Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Brahampur (Nainijor) PS Case No. 437 of 2019 dated 04.10.2019, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he left his motorcycle and ran away when the police chased him and from a



sack on the motorcycle there was recovery of 108 bottles of illicit liquor.

5. Learned counsel for the petitioner submitted that the petitioner was not caught and has been falsely implicated due to village politics. It was further submitted that the petitioner has no concern with either the motorcycle or the seized liquor. It was submitted that no independent witness has supported the case and the petitioner is in custody since 04.12.2019.

6. Learned APP, from the case diary, submitted that many witnesses have supported the prosecution case and have stated about the petitioner trading in liquor. It was submitted that the local *Chowkidar*, who is an eye witness has identified the petitioner as the person who had run away after leaving the motorcycle from which there is recovery of illicit liquor. It was submitted that more importantly, the petitioner has many cases registered against him, including six under the Excise Act itself. It was submitted that from the aforesaid, it is clear that the petitioner is misusing the privilege of bail by committing offences, that too, of the same nature repeatedly.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and also taking note of the fact that repeatedly the petitioner is indulging in



such activity, being accused in cases of similar nature, the Court is not inclined to grant bail to him.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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