

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21173 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- BAGENGOLA District- Buxar

Shivshankar Pandey @ Shiyashankar Pandey Son of Styandarayan Pandey
Resident of Village - Bhada, P.S.- Bagengola, Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 11-11-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection
with Bagengola P.S. Case no. 52 of 2019, registered under
Sections 30(a) and 41(2) of the Bihar Excise and Prohibition
(Amendment) Act, 2018.

The accusation is that on receiving secret
information, in course of patrolling duty, regarding keeping of
illicit liquor in Scorpio vehicle, the informant and other Police
personnel reached at village- Mahamdsari in the morning of
17.08.2019 in front of house of Uma Shankar Pandey, son of
Satyanarayan Pandey, where two discover motorcycles were
parked. In presence of two independent witnesses, house was
searched, but none was found there. On search, 448 cartons



containing several bottles of 180 ML and 30 sacks containing 144 bottles, each containing 180 ML total volume of 4648 liters of India made foreign liquor recovered. At the place of occurrence, one black colour Honda motorcycle bearing registration No. MG4KC182AD8005605 and other motorcycle bearing registration No. BR44C-3640 were seized. It is further alleged that Uma Shankar Pandey and his brothers Daya Shankar Pandey and Shivshankar Pandey (Petitioner) used to carry illicit liquor.

Learned counsel for the petitioner submits that, in fact, petitioner Shivshankar Pandey is the brother of Uma Shankar Pandey, whose house was searched from which huge quantity of India made foreign liquor recovered. The house of the petitioner is separate adjacent to the house of Uma Shankar Pandey, but petitioner being the brother of Uma Shankar Pandey has falsely been implicated in this case. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of the learned A.D.J-II-cum-Special Judge, Excise at Buxar in connection with Bagengola P.S. Case No. 52 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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