

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30404 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- PATORI District- Samastipur

MANISH PANDEY @ MANISH PANDAY, Son of Ram Naresh Pandey
Resident of Village - Dharampur Bande, P.S. - Patori, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 18-12-2020 Heard Mr. Shanti Bhushan Singh, learned

counsel for the petitioner and Mr. B. N. Pandey, learned

APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Patori P. S. Case No. 88 of
2020 dated 23.03.2020, instituted for the offences
under Sections 272 and 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

It appears from the F.I.R. that there is recovery
of liquor from behind the shop of the petitioner but from
an open space.



The learned counsel for the petitioner has submitted that he has litigation with his brother, namely, Om Prakash Pandey, who is again closely related to the informant of this case who is the SHO of Patori Police Station. It is only because of this that the petitioner has been made accused in this case. The recovery of the liquor is not from the conscious possession of the petitioner but from an open space which is accessible to all and sundry.

Though the petitioner has been made accused in a case of similar nature earlier but in the aforesaid case, he has been granted bail.

Regard being had to the afore-stated facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the learned Additional Sessions Judge
2nd cum Special Judge, (Excise Act), Samastipur, in
connection with Patori P. S. Case No. 88 of 2020,
subject to the conditions as laid down under Section 438
(2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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