

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36194 of 2021

Arising Out of PS. Case No.-70 Year-2018 Thana- MASHRAK District- Saran

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ALOK PANDEY @ ALOK KUMAR PANDEY Son of Late Anil Pandey @
Anil Kumar Pandey Resident of village - Agauthar, P.S.- Isuapur, Distt.-
Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Masharak P.S. Case No. 70 of 2018 registered for the offence

under Sections 272 and 273 of the Indian Penal Code and 30,

30(a), 30(c), 38, 41, 45 and 47 of the Bihar Prohibition and

Excise Act.

Recovery is of 2143.800 liters of foreign liquor.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, the entire case is an outcome of political rivalry as the family members of this petitioner are having background of panchayat politics. The seizure list clearly manifest that the alleged recovery of liquor has been made from the Bolero vehicle but the vehicle in question does not belong to the petitioner rather the said vehicle belongs to one Ram Babu Singh. Neither the petitioner was apprehended from the spot nor anything incriminating has been recovered from the possession of the petitioner. Moreover, the co-accused, namely, Dhanu Pratap Singh and Dharmendra Singh have been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.04.2018 and 07.05.2018 passed in Cr. Misc. No. 21949 of 2018 and Cr. Misc. No. 27626 of 2018, respectively. Not only that co-accused, namely, Rohit Kumar, Jitendra Singh along with Suresh Prasad, Mantu Ray and Pawan Kumar have been granted regular bail by the co-ordinate Benches of this Court vide order dated 26.04.2018, 30.04.2018, 30.04.2018, 03.05.2018 and 15.05.2018 passed in Cr. Misc. Nos. 23367 of 2018, 23111 of 2018, 24447 of 2018, 25934 of 2018 and Cr. Misc. No. 29044 of 2018, respectively. The petitioner is rotting in judicial custody



since 22.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner bears two more identical cases other than the present case, which is clearly evident from the paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Saran at Chapra in connection with Masharak P.S. Case No. 70 of 2018 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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