

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30560 of 2020

Arising Out of PS. Case No.-101 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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VIKKY PANDEY @ VICKY KUMAR @ WICKY PANDEY Son of
Parasnath Pandey Resident of Village- Dharampur Bande, Ward No.16, P.S.-
Patori, District- Samastipur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Vijay Anand, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-01-2021 Heard learned senior counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Excise G.R. No. 100 of 2020 arising out of Excise Case No. 101 of 2020, registered under section 30(a) of the Indian Penal Code.

As per the complaint, on secret information having been received, a raid was conducted. On seeing the raiding party while the petitioner managed to escape, it is stated that 2409.120 litres of IMFL was recovered from the *Bathan* of the house of the petitioner.

It is submitted by learned senior counsel for the petitioner that the allegations as narrated in the complaint are false and incorrect. The petitioner has been falsely implicated in



the case only for the reason that he was on earlier occasion falsely implicated in three other cases under the Bihar Prohibition and Excise Act. The alleged recovery, even if taken as true for sake of argument, took place from the joint house of the petitioner which cannot be stated to be his exclusive property. It is further submitted that the place of recovery is not under the exclusive lock and key of the petitioner.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that quantity of 2409 litres of IMFL is stated to have been recovered from the 'Bathan' of the house of the petitioner, who has also three other cases under the Bihar Prohibition and Excise Act pending against him, the Court is not inclined to enlarge the petitioner on anticipatory bail and, as such, the same is rejected.

In case the petitioner surrenders within a period of six weeks from today, the application for bail shall be disposed of at the earliest without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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