

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32477 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- MAHARAJGANJ District- Siwan

AJAY KUMAR PANDEY Son of Ramnarayan Pandey Resident of Village -
Patedha, P.S.- Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-02-2021 Heard the learned counsel for the petitioner
and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Maharajganj P.S. Case No. 73 of 2020 dated 18.03.2020 instituted for the offences under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 36 and 41 of the Bihar Prohibition Excise Act, 2016.

It appears from the prosecution report that 17.550 litres of liquor was recovered from the room-cum-shop of one Himanshu Shahi. The petitioner is alleged to have run away from the place of raid. His identification is by local persons.

Learned counsel for the petitioner has submitted that he has been made accused on mistaken



identity and wrong information.

He is a person of clean antecedents and nothing has been recovered from his exclusive or constructive possession.

It has, therefore, been argued that none of the offences under the Excise Act can at all be said to have been made out against him.

Regard being had to the aforementioned circumstances, the petitioner 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, Siwan in connection with Maharajganj P.S. Case No. 73 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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