

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7353 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- SIKRAUL District- Buxar

Akshay Pandey @ Bare Pandey aged about 38 years, Male son of Late Rameshwar Pandey, Resident of village- Pandeypur P.S. Sikroll District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Ashwani Kumar Rai Advocate
For the State : M. Jitendra Kumar Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned counsel for the State

4. The petitioner seeks bail in Sikraul P.S. Case no. 100 of 2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act (Amendment) Act, 2018.

5. Near the field allegedly owned by the petitioner, total 261 litres and 900 ML Indian Made foreign liquor has been recovered.

6. The counsel for the petitioner submits that the recovery is from near the petitioner's field. The place was accessible to



the public at large and, therefore, criminal liability for the recovery cannot be fastened on the petitioner. He is in custody in connection with this case since 20.08.2020. He has two criminal antecedents as per disclosure made in paragraph no.3 of the bail petition.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, 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 the learned **Additional District and Sessions Judge-II-cum-Special Judge Excise Act, Buxar** in connection with **Sikraul P.S. Case no. 100 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled

(Madhuresh Prasad, J)

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