

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4638 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- BHAGWANPUR District- Vaishali

FAKIRA PANDEY @ NILENDU PANDEY Son of Late Lakhan Pandey
Resident of Village - Prataptand Purvi, P.s.- Bhagwanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No. 179/2021 registered for the offences
punishable under Sections 272/273 of Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per prosecution case, the informant received
confidential information that Subodh Pandey @ Ganni Pandey,
Fakira Pandey @ Nilendu Pandey and Deepak Kumar @
Deepak Pandey are involved in the trade of illegal foreign liquor
and they have kept the consignment of foreign liquor concealed



in the dilapidated veterinary hospital situating in the village-Prataptand. It is further alleged that upon raid in pursuance to the said information. The said dilapidated building was searched in presence of search and seizure witnesses and thereupon total 605.88 litres India made foreign liquor was recovered therefrom. Accordingly, seizure list was prepared and F.I.R. has been instituted against three named persons.

The petitioner is an innocent and has been falsely implicated in this case and nothing incriminating article has been recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 08.09.2021 petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned court of Additional Sessions Judge II-
Cum-Excise Court, Vaishali at Hajipur in connection with
Bhagwanpur P.S. Case No. 179/2021, subject to following
conditions:-

(i) One of the bailor shall be either father or mother or
sister or brother or wife or the person who sworn the affidavit in
bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
would be a ground for cancellation of bail by the learned Trial
court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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