

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12060 of 2022

Arising Out of PS. Case No.-532 Year-2021 Thana- GAURICHAK District- Patna

ROSHAN PANDEY Son of - Pramod Pandey Resident of Village- Harnaut,
P.S.- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Vashist, Advocate

For the Opposite Party/s : Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Gaurichak P.S. Case No. 532 of 2021 registered for the offence
under Sections 30(a), 32(1)(3) and 41(1)(2) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.12.2021.

The allegation against the petitioner is to be engaged
in illegal business of illicit liquor, wherein, recovery of total
125.625 litres of illicit foreign liquor was made.

Learned counsel appearing on behalf of the petitioner



submitted that nothing surfaced during course of investigation, which may connect the petitioner with the illegal activities of illicit liquor and it appears from seizure list that recovery has been made from bus. While concluding the argument, it has been submitted that the petitioner is man of clean antecedent, moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that bus was occupied by several persons.

Considering the facts and circumstances as mentioned above, as recovery is not made from the physical possession of the petitioner, who is man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Gaurichak P.S. Case No. 532 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and



exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Pramod Pandey, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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