

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14562 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- MAJHAULIA District- West Champaran

NIRMESH PANDEY S/O HITENDRA KUMAR PANDEY R/o village-
Satbhirwa, P.S.- Majhulia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

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

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a)(d) of
the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 36.03 litres of liquor from
the hut of the petitioner.

Submission is that petitioner was not arrested from the
spot, as such, nothing was recovered from his conscious
possession and the hut from where the alleged recovery is
shown is situated very far away from the house of the petitioner
near a pond and it is a joint family property consisting of more
than 16-17 persons and the same has been specifically pleaded



in para 8 of the anticipatory bail application. The police mechanically implicates without even verifying whether the property is a joint family property or is a personal property. Petitioner has got no criminal antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the aforesaid submissions, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Majhaulia P.S. Case No. 35 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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