

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21745 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Vikash Panday S/o Late Upendra Panday R/o Village- Bakharpur, P.S.-
Bakharpur (Pirpanti), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 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.

At the outset, learned counsel for the petitioner
submitted that, inadvertently, in paragraph no.3 of the bail
petition, criminal antecedent of the petitioner has wrongly been
typed as clean but petitioner is involved in one another criminal
case.

Hence, learned counsel for the petitioner is permitted
to make necessary corrections during the course of the day
itself.

The petitioner seeks bail in connection Pirpanti
(Bakharpur) P.S. Case No. 253 of 2021 with registered for the
offence under Section 30(a) of Excise Act.



The accused/petitioner is named in the F.I.R. and is in custody since 06.11.2021.

The allegation against the petitioner is to have in possession of 20 liters of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery is made from the alleged motorcycle, which was occupied by other co-accused, as such, it cannot be said from the conscious physical possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It is submitted that petitioner is involved in one another criminal case, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is not from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Pirpainti (Bakharpur) P.S. Case No. 253 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 2nd Additional District Judge-cum-Special Judge, Excise Act, Bhagalpur/concerned Court, 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 Shivshankar Panday, who is the own brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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