

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30589 of 2022**

Arising Out of PS. Case No.-21 Year-2021 Thana- BANSHI District- Jehanabad

Sunil Pandit, Son of Upendra Pandit, Resident of Village- Bhagwatipur, P.S.-
Banshi, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 24-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Banshi P.S. Case No. 21 of 2021 registered for
the offences punishable under Sections 30(a)(b)(c) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that on a
secret information that co-accused persons including the
petitioner are engaged in manufacturing and selling of Mahua
liquor at village Bhagwatipur, near an orchard, rushed to the
place of occurrence, however, on noticing the police party the



accused persons, who were present there, succeeded in fleeing away and on search total 225 litres of Mahua liquor as well as 500 Kg of Jawa Mahua have been seized. It is also alleged that the village Chaukidar identified and disclosed the name of the petitioner and other accused persons.

Learned counsel appearing on behalf of the petitioner submits that neither the petitioner was arrested at the spot nor any incriminating material has been seized from his person or possession. It is next submitted that the alleged recovery has been made from an orchard, which does not belong to the petitioner and the same is accessible to all. It is lastly submitted that there is no independent witness to the seizure list and moreover the petitioner is in custody since 05.04.2022, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been seized from his person or possession and moreover the alleged recovery has been made from an orchard and the petitioner is in custody since 05.04.2022, having fair antecedent,



let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.II, Jehanabad in connection with Banshi P.S. Case No. 21 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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