

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37417 of 2022

Arising Out of PS. Case No.-133 Year-2018 Thana- AANDAR District- Siwan

Sachidanand Pandey, Son of Rambilas Pandey, R/O Village- Pachbeniya, P.S.-
Assaon, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Andar P.S. Case No. 133 of 2018 registered for the alleged offences under Sections 272, 273 and 308 of the Indian Penal Code and Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about a mini truck carrying illicit liquor and the said vehicle was intercepted and 3456 litres of India made foreign liquor was recovered from the said vehicle, the petitioner and other co-accused persons are stated to be the persons who



have brought this liquor from Uttar Pradesh for selling the same in Bihar.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No recovery of illicit liquor has been made either from the possession of this petitioner or from his house. The seized mini truck, from which recovery has been said to be made, does not belong to this petitioner. He is neither the owner nor the driver nor the cleaner of the vehicle. The petitioner has been made accused only on the basis of secret information and apart from that there is no evidence against the petitioner to suggest his involvement in the transportation of the liquor. The petitioner was not apprehended from the spot. The petitioner is in custody since 31.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has got long criminal history and he is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner, who was not apprehended from the spot and further considering the submission of charge-sheet along with



his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No.1, Siwan, in connection with Andar P.S. Case No. 133 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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