

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39387 of 2022

Arising Out of PS. Case No.-399 Year-2021 Thana- VAISHALI District- Vaishali

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AMAR PANDEY @ AMARJEET PANDEY @ AMAR SINGH Son of Late
Naresh Pandey @ Late Ram Naresh Pandey Resident of Village - Lakhan
Saira (Lakhan Sarai), Bisunpur Basudeo, P.S.- Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha
For the Opposite Party/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Vaishali (Belsor O.P.) P.S. Case No. 399 of 2021 registered for

the offences punishable under Sections 420, 467, 468, 471,

120(B), 272, 273 of the Indian Penal Code read with Sections

30(a), 32(ii), 36, 41(i) of the Bihar Prohibition and Excise Act,

2016.

As per prosecution case, there is alleged recovery

of 3984.390 litres illicit liquor from the truck and one Tata pick

up van in question. The apprehended co-accused persons



disclosed the name of present petitioner and others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 09.06.2022. Petitioner bears two criminal antecedent of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that co-accused Sonu Kumar who was apprehended on spot has already been granted bail vide Cr. Misc. No. 8130 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing in light of fact that the petitioner is not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge 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 Excise Court No. - I-cum-



Additional District & Sessions Judge, Vaishali at Hajipur in connection with Vaishali (Belsor O.P.) P.S. Case No. 399 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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