

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39435 of 2020

Arising Out of PS. Case No.-529 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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VICKY PANDEY @ VICKY KUMAR, aged about 28 years, Gender-Male,
Son of Parasnath Pandey, Resident of Village - Dharampur Bande, Ward No.
16, P.S.- Patori, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate

For the Opposite Party : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 27-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

A supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no. 3 of the bail
application in light of the supplementary affidavit filed on
behalf of the petitioner, in course of the day.

The petitioner is apprehending his arrest in connection
with Excise Case No. 529/2019 for the offence registered under



Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 5267.88 liters wine is recovered from the *Bathan* belonging to joint family of the petitioner and one co-accused Manish Pandey.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 5267.88 liters wine is recovered from the *Bathan* belonging to joint family of the petitioner and one co-accused Manish Pandey. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022(Sweta Kumari-Versus-State of Bihar).

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.



Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur, in connection with Excise Case No. 529/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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