

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53855 of 2021**

Arising Out of PS. Case No.-239 Year-2020 Thana- MOTIPUR District- Muzaffarpur

SIKINDRA PANDIT Son of Jay Narayan Pandit Resident of Village-
Kalyanpur Harauna, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 06-04-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 13.06.2021 in connection with Motipur P.S. Case No. 239 of 2020 registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a), 42(1) (2) of the Bihar Prohibition and Excise Act, 2018 pending before the Court Special Judge, Excise, Muzaffarpur.

The allegation, as per the First Information Report is that upon information that the police personal reached the particular place, they saw a pick-up van, motorcycle and around four to five persons standing there. When the police party arrived, they tried to escape but one Badal Rai was apprehended who named the others as Sunil Kumar, Dharmendra Rai and



Satyanarayan Bhagat. The said Badal Rai further confessed that Satyanarayan Bhagat had come to take the spirit that was loaded in the pick-up van. Beside the pick-up van a motorcycle was also seized from which 35 litres of spirit was seized. The petitioner being owner of the motorcycle, he came within the police net and subsequently in the judicial custody.

The contention of the petitioner with the help of para-9 is that he has been wrongly made an accused and actually he had sold the motorcycle to the accused Badal Ray, who failed to get his name transferred. He further submits that the fact that the said co-accused Badal Rai has not named him as his accomplice shows his innocence.

Taking into account the aforesaid facts, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No. 239 of 2020, subject to following conditions :-

(i) the Trial Court will satisfy itself on the criminal antecedent of the petitioner before releasing him on bail;

(ii) the petitioner shall ensure his presence before the Trial Court on each and every date and failure to do so for two



consecutive dates will entail cancellation of his bail bonds by the Trial Court itself;

(iii) he shall visit the local police station every 15 days for six months to mark his presence.

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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