

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45825 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Dhiraj Kumar Pandey @ Dhiraj Kumar Son of Jitendra Kumar Pandey @
Jitendra Pandey Resident of Village - Dharampur Bande, Patory, P.S.- Sahpur
Patori, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 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.

In the present case, the petitioner seeks bail in
connection with Excise Case No. 94 of 2022 registered for the
alleged offences under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of total 4494.240
litres of India made foreign liquor was made from an open
place. The name of the petitioner came up as one of the accused
persons for being involved in the trade of illicit liquor during
investigation.



The learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The place from where the recovery is stated to be made does not belong to this petitioner. Moreover, the allegations are mostly general and omnibus against this petitioner and other co-accused persons. The petitioner is in custody since 06.06.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having a criminal antecedent of similar nature.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering the period of his custody and the submission of charge-sheet, 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 Special Judge, Excise, Court No.2, Samastipur in connection with Excise Case No. 94 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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 a close relative of the petitioner.

(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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