

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60320 of 2021**

Arising Out of PS. Case No.-277 Year-2020 Thana- PATORI District- Samastipur

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DHIRAJ PANDEY @ DHIRAJ KUMAR PANDEY @ DHIRAJ PANDY Son
of Jitendra Pandey @ Natho Pandey Resident of Village - Dharampur Bande,
P.s.- Patori, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh

For the Opposite Party/s : Mr.Sucheta Yadav

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 11-03-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 272/273 of the IPC and section 30(a) of Bihar Prohibition and Excise Act, 2016.

Altogether 35.640 liters of foreign liquor is said to have been recovered from sand pile in a field situated in front of the house of one Chanchal Pandey and two motorcycles have also been seized from the spot. One of the motorcycle is registered in the name of father of the petitioner.



Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case due to dirty village politics. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or any trade of liquor. Recovery is said to have been made from a field in front of the house of Chanchal Kumar Pandey. The said seized motorcycle, though is registered in the name of petitioner's father but the same was taken by Chanchal for some work, this fact is also mentioned in para-7 of this application. There is no compliance of section 100 of the Cr.P.C. Petitioner has two criminal antecedent, as also mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs. 25,000.00/- (Rupees Twenty Five Thousand) in Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail



bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Patori P.S. Case No.277 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) One of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with petitioner. He will also undertake to inform the Court if there is any change in the address of petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000/- (Rupees Twenty Five Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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