

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51757 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Ujjawal Kumar Pandey Son of Devi Shankar Pandey R/O Village - Mauja-S-
12-19-16 Ke Pipariya Pokhari, Teliyabag, P.S.- Chauka Ghat, District-
Varanasi (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Mohania P.S.
Case No. 123 of 2022 registered for the offence under Section
420/468/34 of the Indian Penal Code and Section 30(a)/36/41(i) of
the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 2250.36 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused namely, Vishal Chauhan and admittedly, no illicit liquor was recovered from conscious physical possession of this petitioner. While concluding the argument, it is categorically submitted that investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears from the physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mohania P.S. Case No. 123 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Spl. Judge Excise No. 1 cum A.D.J. IV, Kaimur at Bhabua/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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