

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54588 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- MAKER District- Saran

Rajesh Pandit Son of Eatwar Chandra Pandit R/V- Gena Chapra, PS- Amnour,
Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Tiwari, Advocate
For the State : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Maker
P.S. Case No. 8 of 2022 registered for the offence under
Sections 272, 273, 328, 308, 304 and 120B of the Indian Penal
Code and Sections 30(a), 37(b), 33 and 34 of Bihar Prohibition
and Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 24.02.2022.

The allegation against the petitioner is to deal in
business of spurious liquor, whereafter consumption, three



persons died and two persons become seriously ill.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Birendra Mahto, where, admittedly, the recovery was made from the house of the said Birendra Mahto, where nothing surfaced/recovered during the course of investigation to connect this petitioner with the alleged recovery/occurrence. It is submitted that the maximum allegation against this petitioner, as per viral video, is that he had knowledge that who are the persons involved in the business of illicit liquor and, as such, no overt act/participation can be attributed to this petitioner. It is also submitted that petitioner has been falsely implicated in the present case because petitioner is involved in one more criminal case of similar nature, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as there is no recovery of illicit liquor or any



incriminating material in furtherance of confessional statement of co-accused to connect this petitioner, *prima facie*, with the present recovery/occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maker P.S. Case No. 8 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 2nd Exclusive Special Excise Court, Saran at Chapra/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Bharat Pandit, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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