

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65034 of 2021**

Arising Out of PS. Case No.-270 Year-2019 Thana- PANCHRUKHI District- Siwan

SATYA GOPAL PANDEY Son of Shankar Prasad Pandey Resident of Village - 220-1, Ram Janki Nagar, Bashtatpur, Naka No. -1, Gorakhpur, P.S. - Chiluatal, Gorakhpur, District - Gorakhpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Alok Kumar Alok, Advocate

For the Opposite Party/s : Ms Rina Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Pachrukhi (Sarai) Police Station (for brevity, *PS*) Case No 270 of 2019 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

190.800 liters of English wine has allegedly been recovered from the petitioner's vehicle while it was being driven by one Prabhu Yadav (petitioner's driver).

Learned counsel for the petitioner submits that having no criminal antecedent, the petitioner has suffered implication in the instant case because the driver has indulged in illegal



transportation of the liquor in the garb of carrying some household articles of his sister from her in-law's place. It is apparent from the First Information Report that the petitioner was not arrested at the time and place of recovery. He is in custody since 23.09.2021.

The learned APP has opposed the prayer for bail by submitting that the vehicle stands registered in the name of the petitioner.

Considering the rival submissions and the fact that petitioner was not arrested at the time and place of recovery and that he has remained in custody since 23.09.2021, without any criminal antecedent, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Siwan in Pachrukhi (Sarai) PS Case No 270 of 2019 subject to the following conditions:-

(i) That 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 the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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