

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27251 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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VED PRAKASH PANDEY SON OF SRI RAM RANJAN PANDEY R/O
MAIL, WARD NO.11, P.S.- BIDUPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 28-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since
29.12.2022 in connection with Hajipur Excise P.S. Case
No.439/2022, dated 28.12.2022, for the offences punishable
under Sections 30(a), 31(1), 31(3), 41(1), 41(2) of Bihar
Prohibition and Excise Act.
3. According to prosecution case, total 500 litres of
chulai liquor has been recovered from the possession of the
petitioner.
4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that from bare perusal of the F.I.R. as well as



seizure list, it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the vehicle in question and the petitioner is neither the owner nor the driver of the vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one in which he is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-cum-Additional Sessions Judge, Hajipur, Vaishali in connection with Hajipur Excise P.S. Case No.439/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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