

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49023 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- SIMRI District- Buxar

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Dhiraj Pandey @DHIRAJ Kumar Son Of Late Nand Lal Pandey Resident Of
Village- Khaira Patti Simri, Ps- Simari, Dist- Buxar.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with Simri
P.S. Case No. 157 of 2023 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 19.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 149 litres of IMFL/country made liquor
from an open place.



6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from an open place i.e. bank of river the *Ganga*, and as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. It is also submitted that petitioner found involved in four more criminal cases, where he is on bail.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as alleged recovery of illicit liquor appears to be made from an open place, where petitioner is in custody since 19.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Simri P.S. Case No. 157 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 2, Buxar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State



shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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