

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56001 of 2022**

Arising Out of PS. Case No.-642 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

BHOLA PANDEY @ DHANANJAY PANDEY, aged about 42 years, Male,  
Son of Late Lagandev Pandey, Resident of Village- Samachak, P.S.- Sadar  
Hajipur, District- Vaishali

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Anirudh Kumar Sinha, Advocate  
For the Opposite Party : Mr. Kumar Ranjit Ranjan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      20-04-2023                      The present anticipatory bail application is  
  
pending for want of case diary.

Earlier by order dated 25.11.2022, legible carbon copy of the case diary was called for by another Co-ordinate Bench of this Court but the same has not been received. Thereafter, again by order dated 10.02.2023, an express reminder to comply with the order dated 25.11.2022 was sent to the learned court below but the case diary has also not been received. Although, Letter No. 48 dated 14.02.2023 and Letter No. 50 dated 14.02.2023 have been sent by learned Exclusive Special Excise Court No. Ist-cum-Additional District and Sessions Judge, Vaishali at



Hajipur. I have perused the same.

Today, when the matter is being taken up, it has been submitted on behalf of the petitioner that this case may be disposed of in absence of the case diary.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Hajipur Sadar P.S. Case No. 642 of 2022, for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 169.920 liters wine is recovered from the straw house belonging to joint family of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 169.920 liters wine is recovered from the straw house belonging to joint family of the petitioner. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case as the alleged recovery is said



to have been made from the straw house belonging to joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court



No. 1-cum-Additional District and Sessions Judge, Vaishali  
at Hajipur, in connection with Hajipur Sadar P.S. Case No.  
642 of 2022, subject to the conditions as laid down under  
Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

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