

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65807 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- PANDAUL District- Madhubani

SUDHIR PANDEY Son of Jagdev Pandey Resident of Village-Lakshmipur
(Kanuahi), P.S.-Pandaul, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 30(a) of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 143.325 litres
of illicit IMFL from the asbestos house of co-accused Shayam
Pandey and two accused persons including the petitioner
managed to escape.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. He has no concern
with the alleged recovery or with the place of occurrence. The
name of the petitioner has been disclosed in this case by the



local person. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. He is languishing in judicial custody since 7.8.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd cum-Special Judge, Excise Act, Madhubani in connection with Pandaul P.S. Case No. 164 of 2023.

(Sunil Kumar Panwar, J)

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