

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65960 of 2022

Arising Out of PS. Case No.-277 Year-2020 Thana- PATORI District- Samastipur

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DHIRAJ PANDEY @ DHIRAJ KUMAR PANDEY @ DHIRAJ PANDY Son
of Jitendra Pandey @ Natho Pandey Resident of Village- Dharampur Bande,
P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh

For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Patori
P.S. Case No. 277 of 2020, registered for the offences
punishable under Sections 272 and 273 of the Indian Penal
Code and Section 30(a) of Bihar Prohibition and Excise Act,
2016.

As per allegation, about 35.640 litres of foreign
liquor was recovered from sand pile.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that nothing has been



recovered from the conscious possession of the petitioner.
He also submits that search and seizure has not been made
as per the procedure prescribed under Section 100 Cr. P.C.

He further submits that the petitioner has been
languishing in jail since 21.06.2022.

It has also been stated in paragraph no. 3 of the
bail petition that the petitioner has earlier been made
accused in three other cases

It is also stated in paragraph no. 2 of the bail
petition that the petitioner has moved this Court earlier for
anticipatory bail vide Cr. Misc. No. 60320 of 2021.

However, Ld. APP for the State vehemently
opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,
this application is allowed, directing the petitioner, above-
named, to be released on bail on his furnishing bail bonds in
the sum of Rs. 10,000 /- (Ten Thousand) with two sureties
of the like amount each to the satisfaction of the Ld. Special
Judge Excise Court No. IInd, Samastipur in connection with
Patori P.S. Case No. 277 of 2020 on the following



conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioner.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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