

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4476 of 2024

Arising Out of PS. Case No.-136 Year-2021 Thana- KHARIK District- Bhagalpur

Rajeshwar Pandey S/O Late Amar Pandey VILLAGE- MAHAMMADA, PS.
PIPRAKOTHI, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard Mrs. Rashmi Jha, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Kharik P.S. Case No. 136 of 2021 for the offence punishable under Sections 30(a), 38(i) of the Bihar Prohibition and Excise Act lodged on 30.6.2021 by the informant, Pankaj Kumar.

3. As per the prosecution story, the police intercepted a truck and recovered/seized 10,720 liters of spirit. Laddu Singh was arrested who in his confession, has named this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly the recovery is from Laddu Singh and on his confession, the petitioner has been dragged in and only because



his criminal antecedent, he has been arrested and irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 5000/- to the Patna High Court Legal Services Committee.

5. Learned APP opposes the prayer for bail.

6. Considering the submission put forward by the parties as also the fact that the name of the petitioner has come in the confessional statement of Laddu Singh as also the fact that he is in custody since 5.12.2023 (para-15 of the petition), this Court is inclined to extend him the privilege of bail subject to payment of Rs. 5000/- as undertaken by the learned counsel for the petitioner(s) to be paid with the Patna High Court Legal Services Committee with other conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Bhagalpur, in connection with Kharik P.S. Case No. 136 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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