

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21626 of 2024

Arising Out of PS. Case No.-55 Year-2021 Thana- PAHARPUR District- East Champaran

Ravindra Kumar Pandey Son of Brijkishor Pandey Resident of Village-
Raghunathpur, P.S.- Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the State : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Anil Kumar, learned counsel for the
petitioner and Mr. Kanhiya Kishor, learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Paharpur P.S. Case No. 55 of 2021, FIR dated 26.02.2021
registered for the offence under Sections 30(a), 32, 33, 34, 36,
41(1) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of altogether 600 litres of spirit.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case on the
basis of the disclosure made by the local *chaukidar*. He further
submits that from a bare perusal of the FIR it appears that
nothing has been recovered from the conscious possession of
the petitioner rather recovery is made from a truck and pickup



van. He further submits that petitioner is neither the owner or the driver of the aforesaid vehicles and he has no concern at all with the alleged recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.11.2023.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran at Motihari in connection with Paharpur P.S. Case No. 55 of 2021 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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