

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38763 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- CHHAURADANO District- East
Champaran

Heera Pandey @ Heeralal Pandey @ Someshwar Pandey S/O Late Girja
Pandey R/O Village- Gonahi, P.S- Chhauradano, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with Chhauradano P.S. Case No. 67 of
2024, registered for the alleged offence under Sections 30(a) of the
Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, the police received secret
information about the petitioner and co-accused selling illicit
liquor from their house. A raid was conducted and co-accused
Nagendra Pandey was apprehended and one person fled away
from the spot, who was named as petitioner by the co-accused. On
search, recovery of 10 liters of country made *chulai* liquor was
made from the house of co-accused.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. Even from the FIR, it is apparent that recovery has been shown from the house of the co-accused, who was stated to have named this petitioner, otherwise there is no material against the petitioner to connect him with the offence as alleged.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the completely vague nature of allegation against the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on 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 learned Exclusive Special Excise Court No. 02, East Champaran at Motihari in connection with Chhauradano P.S. Case No. 67 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the



petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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