

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41528 of 2024

Arising Out of PS. Case No.-452 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Dhiraj Kumar Pandey Son Of Jitendra Kumar Pandey @ Jitendra Pandey
R/O- Village- Dharampur Bandey, Ward No. 01, P.S.- Shahpur Patori,
District- Samastipur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends his arrest in connection with Dalsinghsarai P.S Case No. 452 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case related to recovery of total 1642.68 liters of illicit liquor from a container bearing registration No. HR55S-4019.

4. Learned counsel for the petitioner submits that petitioner is innocent, committed no offence and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner and he has no concern with the alleged recovered liquor and container. He further submits that except confessional statement of apprehended person nothing has come against him. Similarly, situated co-accused person has



already been granted anticipatory bail by this Court in Cr. Misc. No. 32002 of 2024 vide order dated 25.04.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise – 1st, Samastipur in connection with Dalsinghsarai P.S. Case No. 452 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further condition that if petitioner found involved in similar nature of offence in future, it will be treated as misuse of bail, then the prosecution may be at liberty to proceed to get the bail bond of the petitioner cancelled.

(Ramesh Chand Malviya, J)

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