

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65984 of 2024

Arising Out of PS. Case No.-101 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Vicky Pandey @ Vikky Pandey @ Vicky Kumar @ Wicky Pandey @ Vicky Panday Son of Parasnath Pandey Resident of village - Dharampur Bandey, Police Station - Patory, District – Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 28-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Excise Case no.101 of 2020 registered under section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. As per the prosecution case, on a raid being conducted, 2409.12 litres of IMFL was recovered from the *bathan* of the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No incriminating article has been recovered as alleged in the FIR. In any case of the matter, the alleged place of recovery is an open place which cannot be said to be under the exclusive lock and key of the petitioner. The petitioner has been falsely



implicated in similar cases, a number of them having been lodged after the instant F.I.R. He undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned APP for the State, who submits that besides a huge quantity of 2409.12 litres of IMFL having been recovered from the house of the petitioner from where he managed to escape, the petitioner has a number of antecedents under the Bihar Prohibition & Excise Act, 2016. Further inspite of his anticipatory bail having been rejected on 20.1.2021 (Annexure-P/1), the petitioner continued to abscond and was finally taken into custody only on 10.6.2024.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR together with his antecedents under the Bihar Prohibition & Excise Act, 2016, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail after six months or on framing of charge, whichever is later.

(Partha Sarthy, J)

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