

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65262 of 2024

Arising Out of PS. Case No.-322 Year-2021 Thana- MAHNAR District- Vaishali

Vicky Pandey @ Vicky Kumar @ Vicky Panday, Son of Parasnath Pandey,
Resident of Village - Dharampur Bandey, Police Station - Shahpur Patory,
District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Manhar P.S. Case No. 322 of 2021 registered for the alleged offences under Sections 413, 272, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition Act and Excise Act.

3. As per prosecution case, on getting information about co-accused Hare Ram Chaudhary and Vikash Chaudhary receiving a consignment of illicit liquor at their house and also about presence of 10-12 persons dealing in the business of illicit liquor, a raid was conducted on the house of the above-named co-accused persons and from the straw houses of the co-accused



persons, altogether 1927.95 litres of India made foreign liquor was recovered. The petitioner and other-co-accused persons escaped from the spot, who were identified by the *Chaukidar* and witnesses.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no material against the petitioner to show his involvement. Th petitioner has no concern with the place from where recovery has been made or with the seized liquor. The motorcycle and the mobile phone seized from the spot do not belong to this petitioner. The petitioner is in custody since 19.06.2024. The learned counsel further submits that the petitioner has been denied bail by the learned Additional Sessions Judge due to his criminal history as the petitioner carries criminal antecedents of eight cases of similar nature.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner. The learned APP submits that the petitioner is habitual offender and has been indulging in similar nature of cases again and again.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of material showing involvement of the petitioner and further



considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II-cum Additional Sessions Judge, Hajipur, Vaishali, in connection with Mahnar P.S. Case No. 322 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

