

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67434 of 2024

Arising Out of PS. Case No.-478 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Pankaj Dwivedi Son of Late Ramvrinjan Dwivedi @ Biranjan Dwivedi @
Ram Niranjana Dwivedi Resident of Village - Dighi Kala Purvi, Pachkuarwa,
P.S.- Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Vasant Vikas, learned counsel for the

petitioner and Mr. Binod Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.07.2024 in connection with Hajipur Sadar P.S. Case No. 478
of 2024, F.I.R. dated 14.07.2024 for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Recovery is of 610.500 liters of Indian made foreign
liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the house of the co-accused, namely, Vishambhar Rai. He further submits that the name of the petitioner has been transpired on the basis of the secret information which suggests that the petitioner was also involved in the present crime in question. The petitioner is in custody since 17.07.2024.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances the the petitioner has clean antecedent, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of the secret information, let the petitioner, above named, 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 the learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 478 of 2024, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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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