

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82589 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- Excise P.S. District- Siwan

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JAWAHAR LAL PANDEY SON OF LATE BIRCHHA PANDEY
RESIDENT OF VILLAGE- CHHOTAKI KAPIYA, P.S. MAHARAJGANJ,
DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh

For the Opposite Party/s : Mr.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Maharajganj Excise P.S. Case No. 47 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. As per prosecution case, petitioner is said to
have apprehended on the spot and from his house, 199.440 litre
foreign liquor was recovered.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 14.10.2023 and bears no criminal
antecedent. Learned counsel orally submits that charge sheet
has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that no recovery was made from the possession of the petitioner rather recovery was made from the room which was given to co-accused, Sitaram Sah, on rent. Petitioner is not in any way connected with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. II, Siwan in connection with Maharajganj Excise P.S. Case No. 47 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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