

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85709 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- AMBA District- Aurangabad

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Shashi Ranjan Pandey SON OF RAJESH PANDEY R/O VILLAGE-
KASOUTI, P.S.- AMBA, DIST.- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Amba P.S. Case No. 249 of 2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, 80 kg Mahua flower
was recovered from Passion Pro motorcycle in question which
was driven by the petitioner and he was apprehended on the spot
and he disclosed the name of the other co-accused who
succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that
the seized motorcycle in question does not belong to the
petitioner. He further submits that Mahua flower is used for



various purposes like cattle feeding and in some area mahua flower is also used for preparation of food. Petitioner is in custody since 07.11.2023 and bears no criminal antecedent. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case.

5. The learned A.P.P. for the State 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 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 Special Judge Excise – I, Aurangabad in connection with Amba P.S. Case No. 249 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)

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