

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1547 of 2024

Arising Out of PS. Case No.-464 Year-2023 Thana- BASANTPUR District- Siwan

VIRENDRA PANDEY @ BIRENDRA PANDEY Son of Rajendra Pandey
Resident of Village-Sendurkha Pandey Tola, P.S.-Basantpur, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Basantpur P.S. Case No. 464/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per prosecution case, there is alleged recovery
of 293.760 liters foreign liquor from two motorcycles bearing
Registration nos.BR-29U-8384 and BR-04C-7429 and poultry
farm in question. The petitioner was the owner of the
motorcycle bearing Registration no. BR-04C-7429 and he was
not apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is not apprehended on the spot. The petitioner is not in any way connection with the alleged occurrence and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 27.09.2023 and bears criminal antecedent of four cases and in all cases he is on bail. He further submits that the petitioner was neither owner of the said poultry farm nor was concerned with the seized liquor. The petitioner is merely an owner of the motorcycle bearing Registration no. BR-04C-7429 and on the basis of suspicion, he has been roped in the present case. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of the learned Exclusive Special Judge, Court No.-1, Siwan in connection with Basantpur P.S. Case No. 464/2023, 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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