

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84094 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- BHELDI District- Saran

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Krishna Pandey @ Krishna Kumar Pandey, aged about 31 years, Male, Son of Shyam Sundar Pandey, Resident of Village- Bheldi (Chhotka Tola) Choro, P.S.- Bheldi District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bheldi P.S. Case No. 52 of 2023 instituted for the offences punishable under Sections 420, 120(B) of the Indian Penal Code and Sections 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 2278.440 liter of English Liquor of different size and description has been recovered from two Bolero Pick-up Vehicle and one Zylo Vehicle.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely



been implicated in this case merely on the basis of suspicion. He further submits that the entire prosecution story is false and concocted and no such occurrence took place has been happened. He next submits that nothing incriminating or illegal liquor has been recovered from the possession or house of the petitioner. He lastly submits that petitioner is not present at the spot and the recovery is from three vehicles, the petitioner is neither the driver nor the owner of the said vehicle. He has been made accused merely on the basis of suspicion and confessional statement of co-accused Pankaj Singh. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Additional District and Sessions Judge-II-cum-Ist Exclusive Special Judge Excise, Chapra Saran dated 15.05.2024, it appears that on the basis of self statement of the informant Santosh Kumar, FIR has been lodged under Sections 420, 120(B) of the Indian Penal Code and Sections 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise Act, 2016, against the co-accused persons including the present petitioner. It is submitted by learned counsel for the petitioner is that he was neither the driver nor the owner of the vehicle and



nothing has been recovered from the conscious possession of the petitioner and his name has been surfaced from the confessional statement of co-accused Pankaj Singh, so considering all these aspects of the matter, let the petitioner above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IIInd-cum-1st Exclusive Special Judge Excise, Saran at Chapra in connection with Bheldi P.S. Case No. 52 of 2023, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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