

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25701 of 2019

Arising Out of PS. Case No.-68 Year-2019 Thana- GHORASAHAN District- East
Champaran

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PANKAJ SINGH @ PANKAJ KUMAR, aged about 33 years, Male, Son of
Late Jamuna Singh Resident of Village - Sathaura, P.S.- Jitna, District - East
Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-04-2019 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody in
connection with Ghorasahan (Jitna) P.S. Case No. 68 of 2019
for the offence alleged under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the Sashastra
Seema Bal officials is that the petitioner was found near the
Indo-Nepal border in a cycle with the bag, but, on seeing the
officials he threw the cycle and bag and started fleeing, but, was
apprehended. On search, from the bag 90 liters of Nepali Saufi
wine was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and the
confession, on paper, before the police and Sashastra Seema Bal
officials, has no evidentiary value in the eye of law, which was
done under coercion and that the petitioner is languishing in



judicial custody since 05.03.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, 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 in connection with Ghorasahan (Jitna) P.S. Case No. 68 of 2019 to the satisfaction of the learned Special Judge, East Champaran at Motihari, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

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