

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70806 of 2019

Arising Out of PS. Case No.-399 Year-2019 Thana- BARACHATTI District- Gaya

PANKAJ KUMAR Son of Late Bipat Prasad Resident of Village - Salempur
(Salemour), P.S.- Barachatti, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Adv.

For the Opposite Party/s : Mrs.Veena Rani Prasad, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 309 of 2019, dated 29.8.2019, registered at Police Station Barachatti, Gaya under Sections-30(a) Bihar Prohibition and Excise Act, 2016.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Allegedly 28 sachets of foreign liquor was recovered from the petitioner's motorcycle.

It is contended on behalf of the petitioner that the said recovery is not from the house of the petitioner rather from a motorcycle parked on the road side. Petitioner has got no



connection with the said motorcycle or the contra-band substance. Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 30.8.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of Special Judge, Excise, Gaya in connection with Barachatti P.S. Case No.399 of 2019, on the following conditions:-

- (i) That one of the bailors of the petitioner shall be his close relative.
- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioner shall remain physically present



in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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