

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12472 of 2021**

Arising Out of PS. Case No.-438 Year-2018 Thana- MAHUA District- Vaishali

PANKAJ SAH @ PANKAJ KUMAR Son of Rajeshwar Sah Resident of
Village - Maricha, Jirbara, P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the Opposite Party/s : APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 25-06-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Mahua P.S. Case no. 438
of 2018 registered under sections 414 and 34 of the Indian Penal
Code and sections 30, 30(a), 38 and 42 of the Bihar Prohibition
and Excise Act, 2016.

As per allegation in the FIR, on information having
been received a raid was conducted and while the accused
persons managed to escape, it is stated that a total of 1044 litres
of liquor was recovered from the 2 vehicles. It is stated that the
accused persons managed to escape but they were identified by
the local chowkidar, the petitioner being one amongst the
accused.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the person or possession of the petitioner who has been falsely implicated in the case because of his antecedent. He has no concern with either of the vehicles nor with the seized liquor. He is in custody since 16.11.2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner not having been arrested on the spot and having remained in custody for 7 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Mahua P.S. Case no. 438/2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Excise Court, Vaishali at Hajipur.

(Partha Sarthy, J)

Prakash/-

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