

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15692 of 2021

Arising Out of PS. Case No.-390 Year-2020 Thana- SURSAND District- Sitamarhi

Pankaj Thakur, gender- male, aged about 43 years, Son of Shatrudhan Thakur
Resident of Village- Sursand, P.S. Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh Sr. Adv. with Mr. Shivam,
Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

9 21-09-2021 In view of the sudden resurgence of Covid-19 infection,
there is limited functioning of the High Court and, therefore, the
matter has been listed today for consideration through virtual
mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The matter has now been taken up as per its own
seniority.

Heard learned senior counsel for the petitioner and
learned counsel for the State.

The petitioner seeks bail in Sursand PS Case No. 390 of



2020, instituted for the offence under Sections 414, 467, 468, 471 and 120B of the Indian Penal Code and Sections 30(a), 36,41, 41(i) of the Bihar Prohibition and Excise Act, 2016.

The petitioner is in custody since 14.12.2020 though he has no criminal antecedents. The submissions of the learned Senior counsel is that the alleged recovery attributed from the petitioner's house is not sustainable as the same is not in accordance with law. He submits that the recovery alleged i.e., 290 ML is false. No such recovery has been made from the petitioner's house.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond 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-II-cum-Special Judge Excise Act, Sitamarhi, in connection with Sursand PS Case No. 390 of 2020, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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