

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24073 of 2021

Arising Out of PS. Case No.-284 Year-2020 Thana- MADANPUR District- Aurangabad

Pankaj Kumar, Son of Mahesh Singh Resident of Village - Salempur
(Salupara), P.S. - Madanpur, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-11-2021 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks bail in connection with G.R.
No.1320 of 2020 arising out of Mandanpur P.S. Case No.284 of
2020, registered for the offence under Section 30(a)(c) of the
Bihar Prohibition and Excise Act, 2016 as amended up-to-date.

Prosecution case in brief, is that about 40 gallons
containing 35 liters of spirit was recovered from a room along
with colorant and bottles, each of 300 ml.

Learned senior counsel appearing on behalf of the
petitioner submits that petitioner has falsely been implicated in
this case and the alleged illicit liquor has been recovered from
the house of one Dhananjay Kumar. Learned counsel for the



petitioner further submits that petitioner has no criminal antecedent and is in custody since 24.12.2020.

Learned APP for the State opposes the prayer for bail of the petitioner.

Let the petitioner be released on bail subject to furnishing of Rs.2,00,000/- in favour of Bihar State Legal Services Authority at Patna in court below, which shall be retained by the court below to see that the petitioner does not involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioner shall be released forthwith upon furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, IInd -cum- Special Judge (Excise), Aurangabad, subject to the following conditions:-

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(II) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail,



the trial court shall take steps to cancel his bail bonds.

(III) The petitioner shall co-operate 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.

(IV) If the petitioner tampers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the court below.

(Purnendu Singh, J)

Prakash Narayan /-

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