

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28421 of 2021**

Arising Out of PS. Case No.-232 Year-2020 Thana- CHARPOKHARI District- Bhojpur

PANKAJ SINGH @ PANKAJ KUMAR, Son of Lal Babu Singh, R/O- Diliya,
P.S.- Tarari, District - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Charpokhari P.S. Case No. 232 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018. He is in custody since 29.12.2020. The petitioner has got two criminal antecedents as stated in the supplementary affidavit filed on behalf of the petitioner.

Learned counsel for the petitioner submits that while the informant was involved in vehicle checking, one motorcycle



was intercepted from which the informant recovered 56 litres of illicit liquor and it is alleged that the petitioner was driving the motorcycle and co-accused Vikash Kumar was the pillion rider.

Learned counsel submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from the motorcycle of the petitioner but due to hot talk with the local Chaukidar the petitioner has been made accused in this case showing recovery of illicit liquor. Petitioner is in custody since 29.12.2020 and investigation against him is complete.

Mr. Md. Fahimuddin, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the allegations that 56 litres of illicit liquors have been recovered from the motorcycle of the petitioner, the petitioner is in custody since 29.12.2020, investigation against him is complete, this Court directs release of the petitioner above named on bail **on completion of one year in custody in this case** on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 4th -cum- Special Judge, Excise, Bhojpur at Ara in connection with Charpokhari P.S.



Case No. 232 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

