

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29230 of 2021

Arising Out of PS. Case No.-157 Year-2020 Thana- DUMRA District- Sitamarhi

PANKAJ SHARMA Son of Sonelal Thakur Resident of Village- Kesariya,
Police Staion- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 10-12-2021 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 11.01.2021 seeks
regular bail in connection with G.R. No. 476 of 2020 arising out of
Dumra P.S. Case No. 157 of 2020 registered for offences
punishable under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

Prosecution case in brief is that altogether 1455 litres
480 ml foreign liquor was recovered from a white pick-up van
bearing Engine No. TBK1J78658 and Chassis No.
ZN2TBKKIJ72521.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from the possession of the



petitioner. He further submits that petitioner has falsely been implicated in the present case due to dirty village politics and he is in custody since 11.01.2021. He further submits that petitioner has stated in paragraph no. 11 to the bail petition that he is neither owner nor driver of the alleged pick-up van which has been seized. He further submits that he has no connection with the person Durga Kant Ray and Chandan Ray who are involved in the trade of illicit liquor and as such the petitioner be released on bail.

Learned A.P.P. appearing on behalf of the State submits that the petitioner is engaged in trade of illicit liquor as it would be evident from the different paragraphs of the impugned order and as such the petitioner does not deserve to be released on bail.

Considering the facts and circumstances of the case, learned Court below is directed to verify as to whether any other criminal case is pending against the petitioner and if there is no other criminal case is pending against the petitioner, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Session Judge cum Special Judge Excise Act, Sitamarhi in connection with G.R. No. 476 of 2020 arising out of Dumra P.S. Case No. 157 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable



property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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