

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38845 of 2021**

Arising Out of PS. Case No.-171 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

PANKAJ KUMAR RAI S/O DINESHWAR RAI R/O VILL/MUHALLA-MANGO, P.S-MANGO, DISTRICT-JAMSHEDPUR PERMANENT ADDRESS-VILL-PACHAURA, P.S-DHANALI OP (MUFASSIL PS), DISTRICT-SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 03-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Siwan (Muffasil) P.S. Case No. 171 of 2021 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 4320 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing has been recovered



from the conscious possession of the petitioner. As a matter of fact, the petitioner is suffering from various life threatening disease for which he is being treated by the several hospitals, which is evident from the medical report annexed as Annexure-2. The petitioner has no concern with the alleged recovery and the DCM truck in question. The petitioner is rotting in judicial custody since 04.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner owns one more identical case other than the present one.

Considering the facts and circumstances of the case and physical condition of the petitioner, let the, above named, petitioner 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 learned Additional District and Session Judge-II -cum- Special Judge, Siwan in connection with Siwan (Muffasil) P.S. Case No. 171 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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