

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41403 of 2021**

Arising Out of PS. Case No.-57 Year-2021 Thana- BARHIYA District- Lakhisarai

PANKAJ BAWRI Son of Shubhash Bawri @ Subhash Bauri Resident of
Village- Putki Teen Nuber Basti,P.S.- Putki, District- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 08-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Barhiya P.S. Case No.57 of 2021 corresponding to Special Excise Case No.132 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2016.

Allegation upon the petitioner is that he has been apprehended along with other accused persons from a white colour Pick Up van and on search of the said vehicle, altogether



602.250 liters of foreign liquor is said to have been recovered.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. No incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. He is neither the driver nor the owner of the said vehicle. The petitioner is co-village of the driver of the said vehicle and only taken lift for Patna on the alleged date and has been implicated in this case merely on the ground that he was the co-troopers of the said vehicle. There is violation of section 100 (4) of the Cr.P.C. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 26.02.2021.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with



two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court, in connection with Barhiya P.S. Case No.57 of 2021 corresponding to Special Excise Case No.132 of 2021, with the following conditions:-

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his/her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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