

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7413 of 2022**

Arising Out of PS. Case No.-253 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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PANKAJ KUMAR Son of Suraj Mahto Resident of Village - Karor, P.S.
Cheriya Bariyarpur, District- Begusarai.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Hare Krishna Prasad, Advocate.
For the State	:	Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 04-03-2022 The applicant has claimed out of turn hearing on the ground of marriage of his sister which is scheduled to be held on 10.03.2022. This fact is not disputed by the learned A.P.P. nor the adjournment is sought by the learned A.P.P.

The applicant is an accused in Crime No.253 of 2021 registered with Police Station-Cheriya Bariyarpur for the offences punishable under Sections 30(a)/30(d) of the Bihar Prohibition and Excise Act, 2018.

Heard learned counsel appearing for the applicant/accused.

The learned A.P.P. opposes the application by contending that illicit liquor of 42 liters in quantity came to be seized from the field of the applicant.



I have considered the submissions so advanced.

It is reported that the applicant is having clean antecedents. The investigation of the subject crime seems to be over.

According to the prosecution case, on the basis of secret information, a raid was conducted at the field and it was found that illicit liquor was being distilled at that place. The applicant, who was present at the spot, attempted to flee but he was apprehended. Seizures came to be affected.

As investigation of the subject crime is over and as the applicant is having clean antecedent, I see no reason to refuse bail to the applicant. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.253 of 2021 registered with Police Station-Cheriya Bariyarpur for the offences punishable under Sections 30(a)/30(d) of the Bihar Prohibition and Excise Act, 2018, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the



facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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