

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10849 of 2022**

Arising Out of PS. Case No.-537 Year-2021 Thana- DEHRI TOWN District- Rohtas

PANKAJ KUMAR SINGH S/O YOGENDRA SINGH R/o village- Majhiaon,
P.S.- Majhiaon, District- Garhwa (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dehri (T)
Indrapuri (O.P.) Police Station Case No. 537 of 2021, registered
for the offence under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.09.2021.

The allegation against the accused/petitioner of
having illegal possession of 30 litres of illicit foreign made
liquor while in car occupied by others co-accused. Allegation is
also to escort a Pickup Van loaded with total of foreign made



liquor 1065 litres.

Learned counsel appearing on behalf of the petitioner submitted that recovery cannot be said from the conscious possession of the petitioner for the reason that the car was accompanied by three others co-accused person as per allegation with regard to escorting the Pickup Van loaded with illicit liquor, there is no connecting evidence surfaced during course of investigation for which charge-sheet has already been submitted. While concluding the argument it has been submitted that petitioner is a man of clean antecedent.

Learned APP while appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that the recovery is not made from the physical possession of the accused/petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery is not made from the conscious possession of the accused/petitioner, coupled with the fact that the charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dehri (T) Indrapuri (O.P.) Police Station Case No. 537 of 2021, on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge- 2nd-cum-Special Judge, Excise, Rohtas at Sasaram, subject to the following condition:

(i) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(ii) One of the bailors shall be deponent of the present petitioner, who is Yugendra Singh, father of the petitioner.

(Chandra Shekhar Jha, J)

Ranjeet/-

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