

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17048 of 2022

Arising Out of PS. Case No.-189 Year-2021 Thana- HASPURA District- Aurangabad

PANKAJ KUMAR S/o Binod Prasad R/o Village- Itwan, P.S.- Haspura,
District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Haspura P.S. Case No. 189 of 2021, G.R. No. 1301 of 2021
registered for the offences punishable under Sections 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, on information, informant
reached near the place of occurrence and saw that after seeing
the police personnel four persons started fleeing away. On chase
one person namely Binod Prasad (co-accused) has been
apprehended and others managed to flee away. On enquiry
apprehended person disclosed the name of persons who fled



away as Pankaj Kumar (present petitioner) and others. It is further alleged that on search total 94 litres country made liquor and 60 liters of spirit from a motorcycle near the boundary wall of the co-accused person namely Binod Prasad has been recovered.

Learned counsel for the petitioner submits that petitioner is in custody since 02.03.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating article has been recovered from the physical possession of the petitioner. Petitioner is not apprehended on spot. The petitioner is dragged in this case due to village politics.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, petitioner is not apprehended on spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Aurangabad in connection with Haspura P.S. Case No. 189 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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