

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21932 of 2022**

Arising Out of PS. Case No.-563 Year-2021 Thana- MAHUA District- Vaishali

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Pankaj Kumar S/o Vijay Sah R/o Vill- Sahpur Chowk, P.S.- Mahua, Dist-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sharda Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Mahua P. S. Case No. 563 of 2021

registered for the offences punishable under Section 414 of the



Indian Penal Code and Sections 30(a), 32(1), 32(3), 41(1), 41(2) and 36 of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the Police on a patrolling duty intercepted one truck and on search being made 1117.200 litres illicit foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is said to be identified by the police informer, while he was fleeing away from the place of occurrence, however, the occurrence took place in the night and there was no source of identification. It is further submitted that the petitioner was neither owner of the said truck nor of the recovered articles and moreover, except the disclosure made by the informer of the Police, there is no incriminating material, which suggests the complicity of the petitioner. It is next submitted that the petitioner was not arrested at the spot and he is in custody since 31.10.2021, though after completion of the investigation, charge-sheet has been submitted way back on 15.01.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been identified while he was fleeing away from the place of occurrence.



Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession and moreover, he is neither owner of the said truck nor of the recovered articles and this petitioner is in custody since 31.10.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge -cum- Special Judge Excise Court No. 2, Vaishali at Hajipur or concerned court Vaishali at Hajipur in connection with Mahua P. S. Case No. 563 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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