

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38696 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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PANKAJ YADAV Son of Sri Rudo Yadav Resident - Anand Gram Manga,
P.S.- Barahat, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv
For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 19.03.2021 seeks
regular bail in connection with Excise Comp. Case No. 43 of
2021 registered for offence punishable under Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief is that altogether 133.5 litres
of illicit liquor was recovered from a Tata Indigo car bearing
Registration No. JH17U6611.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is only the driver of the said car and he has no concern with the alleged recovered liquor. It is further submitted that petitioner is in custody since 02.06.2021 and he has got no criminal antecedent.

Learned A.P.P., however opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 2,00,000/- (Rupees Two Lac) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-II, Banka in connection with Excise Comp. Case No. 43 of 2021 with a condition that one of the bailors shall be wife of the owner of the vehicle bearing Registration No. JH17U6611. In case, she refuses to appear before the Court then the Lower Court is directed to take appropriate action against her in accordance with law and in alternative, the petitioner may seek any respectable person of the area as a bailor. The other conditions are as follows:-

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(iii) If the petitioners temper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioners are found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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