

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42382 of 2021**

Arising Out of PS. Case No.-252 Year-2021 Thana- CHAPRA TOWN District- Saran

Pankaj Kumar, S/O Kanhaiya Chaudhary, R/O Village-Mauna, Jatahi Pokhre,
P.S-Chapra Town, District-Saran At Chapra (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday Pratap Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chapra Town P.S. Case No.252 of 2021 registered for the offences punishable under Sections 30(a), 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016. He has no criminal antecedent and is in custody in connection with this case since 09.05.2021.

As per the allegations, police recovered 180 liters of country made liquor from a tempo which was being driven by



this petitioner.

Learned counsel for the petitioner submits that the petitioner is earning his livelihood by driving the tempo and while he was coming from Thana Chauk, Chapra and was going towards Brahampur, Chapra then one Bijay Rai loaded a sack and told him to reach Brahampur and that he will reach there by motorcycle. Learned counsel submits that the petitioner had no knowledge as to what were kept in the said sack and in ordinary course of his running the tempo he could not have asked each and every person to open his luggage and see the articles kept therein.

It is further submitted that the petitioner has remained in custody for over nine months and the investigation against him is complete. His presence may also be secured in course of trial.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, but considering the facts and circumstances of the case, the submission that the petitioner being a driver of the tempo was not aware of the articles kept in the sack and further that he has remained in custody for over 9 months and his appearance may be secured in course of trial, this Court directs that the petitioner above named be released on



bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Chapra Town P.S. Case No.252 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

