

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.43621 of 2021**

Arising Out of PS. Case No.-781 Year-2020 Thana- KAHALGAON District- Bhagalpur

PANKAJ PAHADIYA @ PANKAJ PAHARIYA S/O LATE BUDHAN  
PAHARIA RESIDENT OF VILLAGE-MAKASPUR, POLICE STATION-  
KAHALGAON, DISTRICT-BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL ORDER**

2      03-02-2022                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with  
Kahalgaon Police Station Case No. 781 of 2020, registered for  
the offences punishable Section 30 (a) of the Bihar Prohibition  
and Excise Act, 2016.

The prosecution case, as per the First Information  
Report, is that the police raided the house of the petitioner and  
recovered a total quantity of 10 litres of country-made liquor  
from the courtyard of the house of the petitioner.

Learned Counsel for the petitioner submits that the  
petitioner has falsely been implicated in this case and he has not  
committed any offence in the manner alleged. He further



submits that the courtyard of the house of the petitioner, from where illicit liquor has been recovered, is owned by the joint family and other family members of the petitioner also reside there. He further submits that the procedure prescribed for search and seizure under the provisions of the Excise Act as well as Code of Criminal Procedure has not been followed. He further submits that the petitioner is in custody since 21.06.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that 10 litres of country-made liquor has been recovered from the courtyard of the house of the petitioner, he is in custody since 21.06.2021, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of



learned 2<sup>nd</sup> Additional Sessions Judge -cum- Special Judge,  
Excise, Bhagalpur, in connection with Kahalgaon Police Station  
Case No. 781 of 2020.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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