

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35725 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- BACHHWARA District- Begusarai

PANKAJ SINGH @ BABA Son of Shatrughan Singh Resident of Village -
Chamtha Sanjhapur, P.S.- Bachhwara and the Distt. Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Shankar Prasad Yadav

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 26-09-2022 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
Bachhwara P.S. Case No. 259 of 2021 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act pending in the court of
learned Spl. Judge, Excise Court No. - 01, Begusarai.

As per prosecution case, there is alleged recovery
of 84.24 liters Indian Made foreign liquor from the house of
Anoj Kumar. Apprehended co-accused Anoj Kumar disclosed
that he bought the illicit liquor from present petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody since 18.04.2022. Petitioner bears four criminal antecedents of similar nature. 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 has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is not apprehended on spot. Petitioner is innocent and has falsely been implicated in the present case.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bachhwara P.S. Case No. 259 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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