

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44170 of 2021**

Arising Out of PS. Case No.-129 Year-2021 Thana- SABAUR District- Bhagalpur

PANKAJ KUMAR CHOUDHARY S/O UTTAM CHOUDHARY R/o village-
Ward No. 13, Shermari, P.S.- Pirpainti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 11-01-2022 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 18.05.2021 seeks
regular bail in connection with Sabour P.S. Case No. 129 of
2021 registered for offence punishable under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that altogether 99.375
litres of country made wine was recovered from the roof of
auto-rikshaw near Babupur More.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from the conscious



possession of the petitioner and he has no criminal antecedent. It is further submitted that petitioner was coming from pirpanti, Bhagalpur and was apprehended by Sabour Police. He further submits that the alleged auto-rikshaw from which illicit liquor was recovered belongs to one Dharmendra Das.

Learned A.P.P. submits that huge quantity of liquor was recovered from the auto-rikshaw and the petitioner was found along with the said auto-rikshaw.

Having considered the rival submissions of the parties and taking into consideration the period of custody of the petitioner as well as the specific plea made by the petitioner that the alleged auto-rikshaw from whose roof huge quantity of liquor was recovered is of some other person namely, Dharmendra Das, the petitioner is directed to be enlarged on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II-cum-Special Judge (Excise Act), Bhagalpur in connection with Sabour P.S. Case No. 129 of 2021 subject to the following conditions:

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



(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers 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 petitioner is 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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