

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37274 of 2022

Arising Out of PS. Case No.-86 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Pankaj Singh @ Baba, Son of Shatrughan Singh, Resident of the Village-
Chamtha Sanjhapur, P.S.- Bachhwara and the District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Shiv Shankar Prasad Yadav, learned
counsel for the petitioner and learned APP for the State through
video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Case No. 86C2 of 2020 (Excise Department)
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that 43.500 litres
of illicit wine was recovered from the banana orchard, situated
behind the house of the petitioner.

Learned counsel for the petitioner submits that the



alleged recovery has been made from the banana orchard, which does not belong to the petitioner. He next submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered. However, only because of the past three criminal antecedent, his name has been implicated in this case. He lastly submits that the petitioner is in custody since 24.05.2022 and, moreover, the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and, moreover, the alleged recovery has been made from the banana orchard, which is accessible to all, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Begusarai in connection with Case No. 86 C2 of 2020 (Excise Department) subject to the condition that



one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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