

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36846 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- RISIYAP District- Aurangabad

Pancham Kumar, Son Of Late Naresh Prajapati, R/O- Vill-Katharua, P.S.-
Aurangabad (Muffasil), Dist.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Risiyap P.S. Case No. 27 of 2022 registered for
the alleged offences under Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, during patrolling, a
motorcycle which was going at a very high speed was signaled
to stop, but the motorcycle rider did not stop and he was chased.
The person sitting as pillion fell down with a sack and the
motorcycle rider was successful in fleeing away with his



motorcycle. From the search of the sack, 65.700 litres of country made liquor was recovered. The person who fell down and was apprehended disclosed the name of the petitioner as the person who fled away from the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was made accused in another case for an occurrence of the same day at 1.30 P.M. and Aurangabad (Muffasil) P.S. Case No. 99 of 2022 was registered wherein the petitioner was showed to be apprehended along with his motorcycle carrying 9 litres of country made liquor. If the petitioner was already apprehended at 1.30 P.M., he could not be riding the motorcycle at 2.10 P.M. on the same day. The learned counsel further submits that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 30.03.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering two FIRs. registered within half and hour showing contradictory facts and further considering the fact that



the petitioner has not been arrested from the spot and no recovery has been shown from him and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Excise Court-2, Aurangabad, in connection with Risiyap P.S. Case No. 27 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

