

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48980 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- MUSAHARI District- Muzaffarpur

PANKAJ GUPTA @ PANKAJ KUMAR S/o Mohan Sah R/o village-
Nayagaon, P.S.- Mushari, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

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

2 08-04-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for 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 11.07.2021, seeks
regular bail in connection with Mushari P.S. Case No. 71 of
2021 registered for offences punishable under Sections 272,
273/34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Allegation is of recovery of 31.125 litres of foreign
liquor from the house of one co-accused Ankit Kumar.

Learned counsel appearing on behalf of the petitioner
submits that no recovery has been made from the possession of



the petitioner or from his house. The alleged recovery has been made from the house of one co-accused Ankit Kumar, who has already been granted bail vide order dated 11.01.2022 passed in Cr. Misc. No. 45195 of 2021. Petitioner has clean antecedent and he is in custody since 11.07.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case, the Court below is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Mushari P.S. Case No. 71 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 his bail bond.

(Purnendu Singh, J)

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