

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42388 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- BAHADURPUR District- Darbhanga

PANKAJ KUMAR YADAV Son of Bhushan Yadav Resident of village-
Kakarghati, Police Station- Darbhanga Sadar, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Bahadurpur (Patur O.P.) P.S. Case No. 169 of 2022 registered
for the offences punishable under Sections 420, 467, 468, 471,
414, 120(B) of the I.P.C. and Sections 30(a), 32(ii), (iii), 36, 41
(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 3457.44 litres foreign liquor from the truck and car in
question. Petitioner is apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 26.04.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner and he has been falsely implicated in this case. The petitioner is neither owner nor driver of the said vehicle in question. Co-accused Raja Kumar Sah has already been granted bail vide Cr. Misc. No. 38084 of 2022 by this Hon'ble Court and the case of present petitioner stands on similar footing.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Darbhanga in connection with Bahadurpur (Pataur O.P) P.S. Case No. 169 of 2022, 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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