

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60766 of 2021**

Arising Out of PS. Case No.-135 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Pankaj Rai, S/O Ram Babu Rai @ Ram Babu Ray, R/o village- Asiya, P.S.-
Gaighat, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Bhardwaj, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 06-04-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Sanjay Kumar Sharma, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Gaighat P.S. Case No. 135 of 2021
registered for the offences punishable under Section 272, 273,
414/34 of the Indian Penal Code and Section 30(a)/36/41(1)
of the Bihar Prohibition and Excise Act. He is in custody
since 08.08.2021 having no criminal antecedent as stated in
paragraph '3' of the application.

As per the prosecution story, during the course of
patrolling the informant received a confidential information



that on the eve of Holi some liquor traders have brought the consignment of liquor, thereafter the informant reached near the house of Jagarnath Sahni in the village Khajuri and found a Truck being parked besides the road. The informant further alleged that the driver of the truck was apprehended who disclosed his name as Govind Hotla and on search altogether 558.720 liters of English wine were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner was neither arrested on the spot nor anything was recovered from his possession.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the truck in question from which the illicit liquors have been recovered does not belong to the petitioner, he was not arrested on the spot and later on he has been named by the Chowkidar together with twelve other persons, as those, who fled away from the spot, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case since 08.08.2021, the trial is not likely to be concluded in near future and his presence may be secured in



course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Gaighat P.S. Case No. 135 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

