

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50849 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Pankaj Kumar S/o Shiv Shankar Prasad R/o village- Dihra Lakh, P.S.- Obra,
District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.
For the Opposite Party/s : Mr. Jagdher Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Excise P.S. Case No. 173 of 2022 lodged under Section 30 (a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, the total recovery of
241.38 litres of illegal desi wine whereas 12 litres of Bunty-
Bubli brand liquor and 13.5 litres of Royal Player english liquor
is there.

Learned counsel for the petitioner submits that the
alleged recovery was not made from the possession of the

petitioner rather from the Seizure list, it transpires that it has been recovered from Dihra lakh situated in Obra P.S. District-Aurangabad. Learned counsel for the petitioner submits that he was nearby passenger and then police has apprehended by chasing him. Learned counsel for the petitioner further submits that the antecedent of the petitioner is clean and he is in custody since 14.08.2022, charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, II, Aurangabad (Bihar) in connection with Excise P.S. Case No. 173 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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