

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52785 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- BIBHUTIPUR District- Samastipur

PANKAJ SAHNI Son of Kari Sahni Resident of Village - Mohmadpur, Sakra,
Police Station - Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Gautam

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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 through virtual mode.

The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 19/2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 1521 liters foreign liquor from the truck in question. The
petitioner and others fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 13.04.2022 and bears no criminal antecedent. He further submits that the name of petitioner surfaced in this case on the basis of confessional statement of co-accused, Amresh Rai. Co-accused, Amarjit @ Amarjeet has been granted Anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.18711/2022 and the case of present petitioner stands on better footing as the petitioner is in judicial custody.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, 1st, Samastipur in connection with Bibhutipur P.S. Case No. 19/2022, 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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