

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58936 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- BALIGAON District- Vaishali

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Pankaj Kumar @ Pankaj Chaudhary, Son of Ganesh Chaudhary R/V- Malpur,
P.S- Patepur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Baligaon P.S. Case No. 80 of 2022 registered
for the alleged offences under Section 30(a), 36 and 41(i) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret
information that the petitioner and other co-accused persons
have brought a big consignment of illicit liquor and getting it
unloaded. A raid was conducted at the place from where the
unloading was taking place. 10-12 persons fled away from the
spot. On search of the vehicles parked at the place of

occurrence, 2288.52 liters of India made foreign liquor was recovered. The petitioner is stated to be one of the members of syndicate involved in trading of illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither the owner nor the driver of the seized vehicles. Charge sheet has been submitted in this case and the petitioner is in custody since 27.08.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount

each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 80 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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