

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58602 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- VAISHALI District- Vaishali

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Pankaj Kumar @ Pankaj Kumar Rai @ Pankaj Rai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur
For the Opposite Party/s : Mr. Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Vaishali
P.S. Case No. 404 of 2021, registered for the offences
punishable under Sections 30(a)/ 41(i) of the Bihar
Prohibition and Excise Act, 2018.

As per allegation, a total of 1713.96 liters of
foreign made liquor has been recovered from two vehicles
bearing Registration Nos UP-19T-5565 and BR-06GE-0752.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits nothing has been recovered
from the conscious possession of the petitioner. He also



submits that other co-accused, namely, Rahul Chaudhary, Dhiraj Rai and Dinesh Kumar have been enlarged on bail by the co-ordinate Bench of this Court vide order dated 01.07.2022, 27.07.2022, 12.08.2022 passed in Cr. Misc. No. 20302 of 2022, Cr. Misc. No. 22059 of 2022, Cr. Misc. No.36679 of 2022.

The petitioner has been languishing in jail since 22.09.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved earlier before this Court for grant of anticipatory bail in Cr. Misc. No. 25766.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in three more criminal cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the Ld. Exclusive Special Excise Court No.2 – cum- Additional District and Sessions judge, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 404 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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