

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3556 of 2023

Arising Out of PS. Case No.-138 Year-2021 Thana- ATHMALGOLA District- Patna

PANKAJ KUMAR @ PANKAJ RAY Son of Matar Ray Resident of Naya
Tola Sabnima, Bakhtiyarpur, P.S.- Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2018.

Altogether 40 litres of illicit liquor has been recovered
from the motorcycle. One person was apprehended on the spot.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
incriminating article has been recovered from the conscious
physical possession of the petitioner rather 40 liters of illicit
liquor is said to have been recovered from the motorcycle.
Petitioner has no concern either with the seized liquor or the
place of recovery or any trade of liquor. The allegation levelled



against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. The name of the petitioner dragged in this case only on suspicion. He was not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Athmalgola P.S. Case No. 138 of 2021, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C,
subject to the further conditions that

(1) One of the bailors will be his own blood relative,
preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any
similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of the
aforesaid amount in Patna High Court Legal Services
Committee, Patna.

(Anjani Kumar Sharan, J)

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