

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8733 of 2023

Arising Out of PS. Case No.-1366 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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PANKAJ KUMAR S/o Kailash Mahto @ Kailash Sahani R/o Rustampur,
P.S.- Raghapur, Distt- Vaishali. A/P Fatjampur, P.S.- Nadi, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kritu Verma

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Excise
Patna P.S. Case No. 1366 of 2022 dated 27.12.2022
bearing Special Case No. 9196 of 2022, registered for the
offences punishable under Section 30(a) and other allied
Sections of Bihar Prohibition and Excise (Amendment) Act,
2016, and amended 2022.

As per allegation, 80 litres of country made liquor
was recovered from a motorcycle bearing Registration No.
BR01EE-9637.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner is not arrested on the spot. He also submits that the petitioner is neither the driver nor the owner of the vehicle and thus he was not aware of the content of the materials loaded in the vehicle. He also submits that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr. P.C.

He further submits that the petitioner has been languishing in jail since 28.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged 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 Ld. Special Judge Excise, Patna in connection with Excise Patna P.S. Case No. 1366 of 2022 dated 27.12.2022 bearing Special Case No. 9196 of 2022, 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 any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after



hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. 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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