

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20079 of 2023

Arising Out of PS. Case No.-363 Year-2022 Thana- NAGAR District- Vaishali

PANKAJ YADAV @ PANKAJ KUMAR RAY Son of Kailash Rai R/V-
Litiyahi, P.S- Raghopur (Rustampur O.P.) in the District of Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Hajipur Town P.S. Case No. 363 of 2022, dated 08.05.2022
registered for the offences punishable under Sections 467, 468,
471 and 120(B) of the Indian Penal Code and Sections 30(a),
32(2), 38(1) and 41(1) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of
5490 litres of *indian made english wine* and the same is stated to
have been recovered from a truck but the petitioner is neither
the owner nor the driver of the said vehicle and he was not
arrested at the spot of recovery and as per prosecution's
allegation this petitioner and co-accused persons were escorting



the alleged truck and the basis of this allegation is simply an information received by the police but there is no details of the source of information and petitioner has been made accused merely on the basis of his criminal antecedents and on suspicion. Further submissions are that the petitioner was neither present at the place of recovery nor anything was recovered from his conscious possession and he has been languishing in jail since 18.01.2023 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly the facts that petitioner is not stated to have been arrested at the spot of recovery and regarding petitioner's involvement in the alleged crime of smuggling of the alleged wine, police acted only on a secret information but petitioner was admittedly not arrested at the spot of recovery and also taking into account the completion of investigation against the petitioner, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the concerned Court in
connection with Hajipur Town P.S. Case No. 363 of 2022.

(Shailendra Singh, J.)

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