

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29268 of 2023**

Arising Out of PS. Case No.-365 Year-2022 Thana- SARAI RANJAN District- Samastipur

Pankaj Kumar @ Pankaj Kumar Sahni, Son Of Shiv Chandra Sahni @ Shiv Chandra Mahto Resident Of Village-Harlochanpur Tiswara, Ps-Sarairanjan, Dist-Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 332, 307, 353, 504, 420, 467, 468, 471 of the I.P.C., Sections 25(1-B)(a), 26, 27, 35 of the Arms Act and Sections 30(a), 32(i), 32(ii), 36, 41(i), 45, 62 of the Excise Act, 2022.

The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the allegation is of recovery of 2615.865 litre of liquor from a truck, pick-up van and a motorcycle. Further, it is also alleged that from the side of the accused persons even firing was made at the police.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of Mukesh Mahto in



police custody, which does not have any evidentiary value. It is next submitted that no doubt, a cartridge was found from the place of occurrence, but then, no one was injured in the firing. It is also submitted that petitioner is not the owner of any of the vehicle seized. It is next submitted that except for confession, there is nothing against the petitioner and the allegation of firing is also not specific against him. It is further submitted that petitioner, because of his antecedent, came to be implicated.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-2, Samastipur in connection with Sarairanjan P. S. Case No.365 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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