

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32148 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- MAHUA District- Vaishali

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Pankaj Kumar, Son Of Dinesh Ray @ Dinesh Kumar Ray Resident Of
Village- Dagru (Rampur Chanadarchan), P.S.- Mahua, District- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2023 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 272,
273, 34 of the I.P.C. and Section 30(a) of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 331.92 litres of liquor from the house of the
petitioner.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that even the alleged recovery is from his house, which is a joint
family property and thus, cannot be alleged with certainty that it



was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is next submitted that even the seizure-list does not carry signature of any of the family members of the petitioner, which also cast aspersion on the recovery, when admittedly petitioner is a person with clean antecedent.

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. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-2nd, Vaishali at Hajipur in connection with Mahua P. S. Case No.80 of 2023, 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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