

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45115 of 2023

Arising Out of PS. Case No.-798 Year-2022 Thana- FATEHPUR District- Gaya

PANKAJ KUMAR SINGH SON OF BINDESHWAR SINGH RESIDENT
OF VILLAGE- CHIRIDIRI, KANHACHATTI, PS- RAJPUR, DIST-
CHATRA, JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard Mr. Jitendra Narain Sinha learned Counsel for
the petitioners and Ms. Sucheta Yadav who represent the State.

The petitioner apprehend his arrest in connection
with Fatehpur P.S. Case No. 798 of 2022 for the offence
punishable under Sections 30 (a) of the Bihar Prohibition and
Excise Amendment Act, 2018, lodged on 30.12.2022 by the
informant Virendra Singh.

As per the prosecution story, the police during night
patrolling intercepted a Bolero Vehicle parked near Chamruchak
Petrol Pump and 147 liters 375 ml Indian made foreign liquor
was recovered/ seized, one Anil Singh was arrested.
Accordingly the FIR.

Learned counsel for the petitioner submits that the



Bolero belongs to one Afsana Khatoon from whom Pankaj Kumar purchased. From Pankaj Kumar, the petitioner purchased the said vehicle and on 21.10.2020, he sold it to Anil Singh (the person who was arrested). However, since it was registered in his name, implicated.

Learned APP opposes the prayer stating that the vehicle was in the name of the petitioner and as such he cannot exonerate himself from the said recovery/ seizure.

Considering the details that has been given regarding transfer of the vehicle, Anil Singh was arrested along with the vehicle and the seized materials and the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned court of Exclusive Special Excise Court No.-1, Gaya in connection with Fatehpur P.S. Case No. 798 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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