

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47659 of 2023

Arising Out of PS. Case No.-344 Year-2017 Thana- ALAMGANJ District- Patna

PANKAJ DAS @ PANKAJ KUMAR S/O RAJKUMAR DAS R/O Village-
Chhaukiya, Terasiya, P.S- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023

Heard the parties.

The petitioner is apprehending arrest in connection with Special Case No. 5841 of 2017 arising out of Alamganj P.S. Case No. 344 of 2017 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 6.9.2017 by the informant, Rajesh Kumar.

As per the prosecution story, the police upon information intercepted a motorcycle and apprehended Bhushan Kumar Sunay Kumar and upon search, 7.500 liters of Indian Made Foreign Liquor kept in a plastic bag was recovered besides and mobile phone and cash of Rs. 12000/-. He gave the name of the petitioner that the same was to be delivered to him. Accordingly, the FIR.

Learned counsel for the petitioner submits that on



false promise that the alleged recovery was going to be delivered to the petitioner, his name has cropped up. Further, he do not have criminal antecedent.

Learned APP opposes the prayer.

Considering the fact that two persons already apprehended with the alleged recovered materials, on his confession, the name of the petitioner has come and do not have criminal antecedent and ultimately will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Special Case No. 5841 of 2017 arising out of Alamganj P.S. Case No. 344 of 2017 to the satisfaction of learned Exclusive Special Court of Excise, Patna City subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 co-operate in the investigation and make himself available to the police as and when required;

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

(v) 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;

(vi) 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.

(Rajiv Roy, J)

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