

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46795 of 2023

Arising Out of PS. Case No.-305 Year-2023 Thana- BYPASS District- Patna

PANKAJ KUMAR Son of Late Panna Lal Singh Resident of Muhalla-Sandalpur, Kumharar, P.S.-Bahadurpur, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Bypass P.S. Case No. 305 of 2023 registered for the offence under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 21.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 112.32 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that as merely on the ground that petitioner



was in possession of receipt of courier company, where, consignment of illicit liquor was recovered from PRL Logistics Ltd., was apprehended with present case. It is submitted that seizure list is sufficient to suggest that no recovery, as alleged, was made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in 01 more criminal case, where, he is on bail.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, where, petitioner is in custody since 21.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Bypass P.S. Case No. 305 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i)That petitioner shall not involve in the similar nature of offence till



the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

