

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47750 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- PARWALPUR District- Nalanda

Pankaj Chaudhary @ Samsang Chaudhary @ Sansan Son Of Late Ramnath
Chaudhary R/O-Parbalpur, P.S.-PARBALPUR, Distt.-NALANDA.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Parbalpur P.S. Case No. 99 of 2023 registered for the offence
under Sections 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 14.06.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 23.5 litres of IMFL/country made liquor
from an open place.

6. Learned counsel appearing on behalf of the



petitioner submitted that alleged recovery of illicit liquor was made from an open place, where name of this petitioner was surfaced by unknown public working near to place of recovery, and as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. It is submitted that petitioner was not apprehended on spot. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by Bihar Home Guard Personnels. While concluding the argument, it is submitted that petitioner found involved in five more criminal cases, where he is on bail and in maximum of these cases, name of this petitioner surfaced on the basis of suspicion, as of the present case.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, where petitioner is in custody since 14.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Parbalpur P.S. Case No. 99 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 IVth Additional District and Sessions Judge cum Special Judge Excise IInd, Nalanda at Bihar Sharif/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned 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 shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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