

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50704 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- BISFI (PATAUNA) District- Madhubani

=====

Arun Panjiyar Son Of Ram Bahadur Panjiyar R/O-Narsam, P.S.-BISFI
(PATAUNA) O.P., Distt.-MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mrs. Asha Devi, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 26.05.2023 in connection with Bisfi (Patauna) P.S. Case No.191 of 2023, F.I.R. dated 24.05.2023 for the offences punishable under Sections 272, 273, 420, 467, 468, 471, 120(B) of the Indian Penal Code and Section 30(a), 36, 38(i), 41(i) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of total 1523.880 liters of illicit liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the vehicle in question



(motorcycle & car). He further submits that the allegation as alleged in the F.I.R. is that the petitioner and other co-accused persons brought the liquor in truck for selling in area and further submits that the allegation in the F.I.R. is without any basis and petitioner was not apprehended at the place of occurrence and petitioner has no concern at all with the alleged recovery of illicit liquor in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 26.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and petitioner was not apprehended at the place of occurrence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Bisfi (Patauna) P.S. Case No.191 of 2023, G.R. No.817 of 2023, subject to the following



conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

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

