

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56859 of 2023

Arising Out of PS. Case No.-105 Year-2017 Thana- BARHIYA District- Lakhisarai

PANKAJ KUMAR S/O RAM BALAK SINGH R/O VILLAGE-
GANGASARAI, P.S- BARAHIYA, DISTT.- LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Barahiya P.S. Case NO. 105 of 2017 registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a), 32(c), 38(b) and 41(a) of the New Prohibition and Excise Act, 2016, lodged on 29.05.2017 by the informant, Avinash Kumar Sharma.

As per the prosecution story, the allegation is that on information, police raided the house of Gopal Sharan Singh and altogether 23 liters country made liquor recovered/seized. This followed by FIR.

It is the case of the petitioner that admittedly, recovery is from the house of Gopal Sharan Singh and his name has



come at the later stage. Actually, he was granted bail by the Subordinate Court itself on 05.07.2017 but since as per the allegation, he jumped bail on 07.06.2023, was declared absconder. He came into judicial custody on 24.07.2023 (as stated in paragraph-15 of the petition). The last submission is that he is ready to abide by all the terms and conditions as imposed by this Court.

Learned APP for the State opposes the prayer for bail stating that the petitioner after grant of bail in 2017 absconded for almost five (5) years

Considering the fact that earlier he was granted bail but due to misuse of the same, the bail bond was cancelled, was declared absconder and has now remained in custody since 24.07.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.- IVth cum Exclusive Special Court 1st Lakhisarai in connection with Barahiya P.S. Case No. 105 of 2017 subject to strict 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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