

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60901 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- VAISHALI District- Vaishali

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Pankaj Kumar S/o Siranjan Bhagat R/V- Thikaha Mataiya, P.S.- Vaishali,
Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 61940 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- VAISHALI District- Vaishali

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Pankaj Kumar @ Pankaj Kumar Rai @ Pankaj Rai S/O Ram Kishore Rai @
Shyam Kishore Rai R/O Village- Bhagwatpur, P.S- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 60901 of 2022)

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

(In CRIMINAL MISCELLANEOUS No. 61940 of 2022)

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

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Vaishali P.S. Case No. 358 of 2022 registered



for the alleged offences under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about petitioner Pankaj Kumar @ Pankaj Rai and other co-accused persons, namely, Bablu Singh and Mithilesh Kumar bringing illicit liquor on a truck and getting it unloaded at the cow-shed of co-accused Bablu Singh. A raid was conducted and petitioner Pankaj Kumar was apprehended from the spot when he tried to run away on seeing the police party. Petitioner Pankaj Kumar Rai and other co-accused persons are stated to have fled away from the spot. Total recovery of 3429 litres of India made foreign liquor was made from the place of occurrence and different vehicles.

It has been submitted on behalf of the petitioner Pankaj Kumar that the petitioner is merely a labourer and he was engaged by other co-accused persons for unloading the illicit liquor, but he was not having any knowledge about the same. The petitioner has nothing to do with the allegedly seized liquor. The petitioner has been sleeping at the cow-shed and he was arrested from that place merely on suspicion. The petitioner is in custody since 10.09.2022 and charge-sheet has been submitted.



It has been submitted on behalf of the petitioner Pankaj Kumar Rai that he was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been falsely implicated in this case due to political rivalry. The petitioner is in custody since 22.09.2022 and charge-sheet has been submitted.

Learned APP oppose the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner Pankaj Kumar who is said to be a labourer in the FIR and further considering the fact that petitioner Pankaj Kumar Rai was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering the period of custody of the petitioners along with the submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise and Prohibition Court (IInd)-cum-Additional District and Sessions Judge, Hajipur at Vaishali in connection with Vaishali P.S. Case No. 358 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and



the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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