

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58090 of 2022

Arising Out of PS. Case No.-270 Year-2022 Thana- SAHPUR District- Patna

Pankaj Kumar S/O Bajrangi Rai Resident Of Village- Lodipur, P.S.- Maner,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kahkashan Alam, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a), 56, 41 of the Bihar
Prohibition and Excise Act.

Recovery is of 240 litres of country made illicit liquor.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and has falsely been implicated
in the present case. He further submits that the recovery has
been made from motorcycle in question and not from
petitioner's possession. He further submits that the petitioner has
no concern at all with the alleged recovery of the illicit liquor or
the vehicle in question. He further submits that there is non-
compliance with mandatory procedure prescribed for recovery



under Section 100 of Cr.P.C. He further submits that the co-accused persons, namely, Pintu Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 02.09.2022 passed in Cr. Misc. No. 44353 of 2022, another co-accused persons, namely, Neeraj Kumar has been granted bail by Co-ordinate Bench of this Court vide order dated 23.09.2022 passed in Cr. Misc. No. 49748 of 2022. He further submits that the petitioner is in custody since 14.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Excise Case No. 861 of 2022 arising out of Shahpur P.S. Case No. 270 of 2022 with 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 witness, 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 antecedents, 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)

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