

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59282 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- RAHIKA District- Madhubani

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Pankaj Kumar S/o Satya Narayan Mahto R/V- Telni, P.S.- Vithan, Distt-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Vimal Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Rahika P.S. Case No. 152 of 2022, for the
offences punishable under Sections 272, 273, 467, 468, 471 and
420/34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The police on a secret information, conducted vehicle
checking and intercepted an ambulance and apprehended the
petitioner on spot. It is further alleged that noticing the police



party two of the persons, who were seating in the ambulance succeeded in fleeing away. On search total 733.95 liters of illicit Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that in fact the petitioner has neither any concern with the ambulance nor with the alleged recovered illicit wine. However, on the alleged date of incident, as he was coming on the said ambulance by taking lift without any knowledge regarding loading of illicit wine and in the meantime he was apprehended by the police. He further submits that the petitioner having fair antecedent, is in custody since 05.08.2022. While concluding his submission, he further submits that there is complete defiance of Section 100 of Cr.P.C. as well as Section 81 and 82 of the Bihar Prohibition and Excise Act, 2016, inasmuch as there is no independent witness to the seizure.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was caught red-handed with the illicit wine and the complicity of the petitioner cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioner and the fact that the investigation of the crime is



already complete and moreover the petitioner has neither any concern with the ambulance nor with the incriminating wine, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani, in connection with Rahika P.S. Case No. 152 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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