

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66654 of 2023**

Arising Out of PS. Case No.-336 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Pankaj Kumar Yadav Son of Bhushan Yadav Resident Of Village- Kakarghati,
PS- Darbhanga Sadar, Dist- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-10-2023 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Darbhanga Sadar P.S. Case No. 336 of 2023 registered for the offences punishable under Sections 420, 467, 468, 471, 34, 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act. He has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, the informant along with police force on secret information reached at village Gausadih where on seeing police party, accused persons started fleeing and 8-10 persons taking advantage of darkness fled away. The local Chaukidar disclosed the name of accused



persons including this petitioner. The informant found that a truck bearing Registration No. RJ-18GC-3395 parked there and on search, total 667.260 liters of illicit liquor was recovered from the said truck.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is neither the owner nor the driver of the truck in question from which illicit liquors have been recovered. It is further submitted that co-accused similarly situated, namely, Santosh Yadav has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 59832 of 2023.

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

6. Having regard to the submission that the petitioner is neither the owner nor the driver of the truck in question from which illicit liquors have been recovered, further submission that the co-accused similarly situated, namely Santosh Yadav has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 59832 of 2023, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be



released on bail in connection with Darbhanga Sadar P.S. Case No. 336 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I (Excise Act), Darbhanga, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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