

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68699 of 2023

Arising Out of PS. Case No.-139 Year-2021 Thana- KHANPURA District- Samastipur

Sanjay Pasi @ Sanjay Kumar Son Of Ramdeo Pasi @ Ramdev Mahto
Resident Of Village - Masina, P.S. - Khanpur, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Khanpur P.S. Case No. 139 of 2021 dated 29.06.2021, lodged
under Sections 30(a), 41(2)(1), 47(i) of the Bihar Prohibition
and Excise Act.

3. As per the prosecution case, the total recovery of
3232.800 litre foreign liquor has been made, which is the
subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the petitioner has not been apprehended from the
place of occurrence rather three accused persons who have been
arrested and disclosure of one of them, the name of petitioner

has come in this case.

5. Learned counsel for the petitioner further submits that the name of the petitioner is repeatedly coming in this case only due to the reason that his criminal antecedent is not clean and there are seven criminal cases pending against him. Counsel further submits that all the accused persons who were apprehended from the place of occurrence have been granted bail by the Co-ordinate Bench of this Court vide order dated 17.12.2021 passed in Cr. Misc. No. 50704 of 2021.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean and huge quantity of liquor has been recovered.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail only after framing of charge on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court- Ist, Samastipur in connection with Khanpur P.S. Case No. 139 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of

the petitioner who shall provide official document to show his
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 bail
bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(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.

8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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