

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69560 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- KALER District- Jehanabad

PANKAJ KUMAR SON OF SITARAM CHOUDHARY RESIDENT OF
VILLAGE - DIGHA BANS KOTHI, PS- DIGHA, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kaler P.S. Case No. 124 of 2023 registered on 21.08.2023
lodged under Sections 30(a) of the Bihar Prohibition and Excise
Act (Amendment), 2018.

3. As per the prosecution case, total recover of 184
litre of wine is the subject matter of this case.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner
was driving car namely Maruti Swift bearing no. BR01-
EW3319. He submits that the said recovery was made from the
another Maruti Swift not from the vehicle of the petitioner
which he was driving. He further submits that petitioner is in



custody since 22.08.2023 having three criminal cases pending against him, in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean. He submits that there are three criminal cases pending against him which is related N.D.P.S. whereas one case is of theft and present case has been filed for violation of Excise Act.

6. Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge charge has not been framed till dated.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-II Excise, Jehanabad in connection with Kaler P.S. Case No. 124 of 2023 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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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