

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73945 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

PANKAJ KUMAR @ PANKAJ KUMAR CHAUDHARY SON OF RAM
CHANDRA CHAUDHARY RESIDENT OF KORAHYA, P.S. -
RAJNAGAR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bhairavsthan P.S. Case No. 05 of 2023, G.R. No. 21 of
2023 registered for the offences punishable under Sections
272, 273, 420, 120(B) of Indian Penal Code and under
Sections 30(a), 32(i)(ii), 36, 41(i) of the Bihar Prohibition
and Excise Amendment Act, 2018.

3. As per prosecution case, there was alleged
recovery of 427.320 liter foreign liquor from a eighteen
wheeler truck in question. It is further alleged that four co-
accused persons namely Deepak Kumar, Satish, Bijendra



Singh and Raj Narayan Jha were apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is in custody since 10.09.2023. Petitioner bears three criminal antecedents in which he is on bail. Learned counsel further submits that petitioner is not named in the F.I.R. Name of present petitioner has been transpired in the present case on the basis of confessional statement of co-accused Sudhir Mishra. Except confessional statement of co-accused Sudhir Mishra, there is nothing on record to demonstrate the complicity of the present petitioner. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered liquor or with the truck in question. Mandatory provisions of Section 100 Cr.P.C. has not been followed. In the light of aforesaid facts and circumstances of the case, no case under the provisions of Bihar Excise and Amendment Act is made out against the petitioner. Learned counsel further submits that co-accused Sudhir Mishra, upon whose confessional statement name of present petitioner has been transpired in the present case, has already been granted bail vide Cr. Misc. No. 14078 of 2023 by a co-ordinate bench of



this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, co-accused has already been granted bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, 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 Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Bhairavsthan P.S. Case No. 05/2023, G.R. No. 21 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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