

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73540 of 2022

Arising Out of PS. Case No.-347 Year-2022 Thana- LALGANJ District- Vaishali

Pankaj Kumar @ Pankaj Rai @ Pankaj Kumar Rai S/o Ram Kishore Rai @
Shyam Kishor Rai R/v- Bhagwatpur, P.S.- Station- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 75256 of 2022

Arising Out of PS. Case No.-347 Year-2022 Thana- LALGANJ District- Vaishali

Rakesh Kumar @ Rakesh Kumar Singh Son of Arvind Singh Resident of
Village - Parmanandpur, P.S.- Lalganj, District - Vaishali (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 3915 of 2023

Arising Out of PS. Case No.-347 Year-2022 Thana- LALGANJ District- Vaishali

Ajay Kumar Son of Jai Mangal Singh Resident of Village - Majhauri, P.S.-
Vaishali (Belsar O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 73540 of 2022)
For the Petitioner/s : Mr. Ranjit Kumar Thakur
For the Opposite Party/s : Mr. Ajay Kumar No. 2
(In CRIMINAL MISCELLANEOUS No. 75256 of 2022)
For the Petitioner/s : Mr. Vasant Vikas
For the Opposite Party/s : Mr.Parmanand Prasad
(In CRIMINAL MISCELLANEOUS No. 3915 of 2023)
For the Petitioner/s : Mr. Ranjit Kumar Thakur
For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

2 10-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Lalganj P.S. Case No.347 of 2022, registered for the offences punishable under Sections 467, 468, 471 of the Indian Penal Code 30(a), 32(ii), 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 637.56 liters of liquor has been recovered from a truck bearing Registration no. PB30N-8589.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr. P.C. He also submits that the petitioners are neither driver nor owner of the alleged vehicle.

He further submits that the petitioners, Pankaj Kumar, Rakesh Kumar and Ajay Kumar have been



languishing in jail since 01.10.2022, 10.11.2022 and 01.10.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, Rakesh Kumar has no criminal antecedent whereas petitioners, Pankaj Kumar and Ajay Kumar have earlier been made accused in three and one other cases respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the present case.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Court No. I -cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection



with Lalganj P.S. Case No.347 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail bonds will be cancelled by the court below.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

chandan/-

U		T	
---	--	---	--

