

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74748 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- KHANPURA District- Samastipur

Sanjay Pasi @ Sanjay Kumar @ Sanjay Mahto Son Of Ramdev Mahto @
Ramdeo Pasi R/O Vill - Masina, P.S. - Khanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Khanpur P.S. Case No.365 of 2022, lodged on 26.12.2022,
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution, FIR has been lodged against
the petitioner in which recovery of 21.750 liters of foreign
liquor was made from the *Bhuskol* of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is in custody since 31.08.2023. There are seven
criminal cases pending against the petitioner, in which he is on
bail. Counsel submits that the recovery has not been made from



the conscious possession of the petitioner rather his name has figured only and only due to the reason that his antecedent is not clean.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean and, therefore, this aspect may be taken into consideration.

6. 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 the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-I, Samastipur, in connection with Khanpur P.S. Case No.365 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure 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.

(Dr. Anshuman, J)

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