

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6709 of 2023

Arising Out of PS. Case No.-150 Year-2022 Thana- MADHEPUR District- Madhubani

Pankaj Sahu @ Pankaj Kumar Sahu, aged about 23 years male, S/O Pulkit Sahu Resident of village- Nawada, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioner seeks bail in connection with GR No. 665 of 2022, arising out of Madhepur PS Case No. 150 of 2022, dated 06-08-2022 registered for the offences punishable under Sections 272, 273, 414 and 120B of the Indian Penal Code and Section 30(a) and 47 of the Bihar Prohibition and Excise Act, 2018.

On receiving intimation regarding distribution of liquor by seven persons, the police has arrived near the Nawada *Kabristan*.

Learned counsel for the petitioners submits that there is no recovery from possession of the petitioner. Petitioner has falsely been implicated in the instant case due to village politics. The petitioner has no concern with the recovered illicit liquor. The name of the petitioner has been transpired on the basis of confessional statement of co-accused, namely, Bibek Kumar. He has not been apprehended from the place of recovery. It is submitted that investigation is complete. The other co-accused, namely, Manish Kumar, Raman Kumar Yadav, Dev Sharma, Kaushal Yadav, Rajiv Yadav and Md. Jasim have been allowed bail vide order passed in Cr.



Misc. No. 64467 of 2022.

The petitioner is in custody since 22-10-2022 though he has no antecedents.

Learned APP for the State has opposed the prayer for bail. It is submitted that total 177 liters illicit foreign liquor has been recovered.

Considering the rival submissions, nature of alleged arrest of the petitioner, period of custody, clean antecedent and claim based on parity, as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, in connection with GR No. 665 of 2022, arising out of Madhepur PS Case No. 150 of 2022, dated 06-08-2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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