

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11096 of 2024

Arising Out of PS. Case No.-19 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Pankaj Kumar S/O- Daksha Narayan Singh @ Daksha Narayan Mahto R/O-
Village- Salkhanni, P.S.- Bibhutipur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar, Adv.

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 19 of 2021 instituted for the offences
under Sections 272/273 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police has recovered
altogether 1477.800 liter foreign liquor from the Bolero Pick-up
vehicle bearing Registration No. BR01GB5317.

4. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail but, the same was allowed
subject to deposit of Rs. 1,00,000/- to the Patna High Court
Legal Service Committed vide order dated 24.04.2023 passed in



Cr. Misc. No. 10546 of 2022, Upon petitioner's failure to deposit the amount, a subsequent modification application bearing Cr. Misc. No. 35016 of 2023 was filed which was partly allowed on 28.06.2023.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is neither driver nor he is the owner of the seized vehicle. The name of the petitioner has surfaced in this case during investigation on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has nothing to do with the seized article. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 16.12.2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent,



let the petitioner, abovenamed, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten thousand) with two sureties of
the like amount each to the satisfaction of Court
below/concerned Court in connection with Bibhutipur P.S. Case
No. 19 of 2021.

(Rudra Prakash Mishra, J)

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