

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31931 of 2024

Arising Out of PS. Case No.-548 Year-2023 Thana- GARDANIBAG District- Patna

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Pankaj Kumar, Son of Jay Prakash Singh @ Jay Prakash Prasad Resident of
S.N.T. Bus Stand, Housing Complex, M-5, P.S.- Pradhan Nagar, Silliguri,
Dist.- Darjeeling, At present Add-H/O Vinod Prasad, Naya Aahar, Shiv Nagar,
P.S.- Nalanda, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh

For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-04-2024 1. Heard learned counsel for the petitioner and
- learned APP for the State.
2. The petitioner seeks bail in anticipation of his
- arrest in a case registered for the offences punishable under
- Sections 30(a), 32(2)(3), 36, 41(i)(ii) of the Excise Act.
3. The learned counsel for the petitioner submits
- that the petitioner is a person with clean antecedent and the
- allegation is of recovery of 599.16 litres of liquor from a
- Bus.
4. The learned counsel for the petitioner submits
- that petitioner was not arrested from the spot, as such,
- nothing was recovered from his conscious possession and he



came to be implicated based on the fact that he is owner of the seized Bus. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that his driver would misuse the vehicle in the manner as alleged as he along with other accused persons were apprehended at the spot.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-1, Patna in connection with Gardanibagh P. S. Case No.548 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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