

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37820 of 2024

Arising Out of PS. Case No.-9 Year-2021 Thana- NAUTAN District- Siwan

=====

Pankaj Kumar Singh son of Ramniwash Singh Village- Sathi Ps- Uchkagaon
Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Nawatan P.S. Case No. 09 of 2021, registered on 12.01.2021, for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, on seeing the police party, one bike rider fled away leaving behind the bike. From a sack tied on the bike, recovery of 36 liters of country made liquor was made. The person who fled away leaving behind the bike was identified as one Sanju Pandey. The petitioner is stated to be the owner of the motorcycle.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. Learned counsel further submits that the petitioner has been working outside the State and has been named in this case merely because of the fact that seized bike has been registered in his name. The petitioner came to know about the present case only when a notice under Section 91 of Cr.P.C. was served upon him on 30.12.2023. The co-accused Sanju Pandey is on good terms with petitioner and he used to take bike from the petitioner or his family members and they used to give the bike in good faith to the co-accused. But the co-accused used the bike for illegal purposes which is neither sanctioned by the petitioner nor his family members. Nothing incriminating has been recovered from person or possession of the petitioner and no offence under Section 30(a) of the Excise Act is made out against the petitioner, who is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering that from the facts of the case, no *prima facie* case is made out against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail,



on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II, Siwan in connection with Nawatan P.S. Case No. 09 of 2021, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

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

