

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43316 of 2024

Arising Out of PS. Case No.-197 Year-2024 Thana- MAHUA District- Vaishali

Pankaj Singh @ Pankaj Kumar Son of Late Satyanarayan Singh Resident of
vill.- Margi, P.S.- Mahua, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Ranjan, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mahua P.S. Case No. 197 of 2024 for the offence under Section 30(a) of the Bihar Prohibition & Excise Amendment Act lodged on 11.04.2024 by the informant, Mukesh Kumar Singh.

3. As per the prosecution story, the informant alleged that this petitioner alongwith one Pramod Kumar Singh are selling illicit liquor, the place was raided and from the bag on the motorcycle, 60 liters of illicit liquor recovered/seized and then from a jute sack hidden under the roadside, another 240 liters of liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own the motorcycle and further the recovery/seizure is from a place near the roadside, he founds himself in the criminal



net only because he has criminal antecedent. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 20,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the fact that though he has criminal antecedent, the recovery is from a motorcycle which does not belong to him, the second recovery is from a place near the roadside, FIR lodged and he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 20,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No-2, Vaishali at Hajipur in connection with Mahua P.S. Case No. 197 of 2024 subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself:

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences. failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

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