

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42224 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- MAHISHI District- Saharsa

Pankaj Sah @ Priyanshu Ranjan S/o Ram Prasad Sah@ Ramdeo Sah Resident
of Village-Murli,P.S.-Mahishi (Jalai o.P),District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection
with Mahishi registered under Section 30(a) of Bihar prohibition
and Excise Act, 2016 lodged on 21.01.2024 by the informant,
Gyanranjan Kumar.

3. As per the prosecution story, the informant alleged
this petitioner is in the business of selling of illicit cough syrup,
the accused managed to escape and 2.4 liter illicit cough syrup
recovered/seized. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that the
police only to implicate him, named him, nothing has been
recovered from his conscious possession and from his home
rather it is from an open water tank. The last submission is that



he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he escaped on the site of the police.

6. Taking into account the fact that alleged recovery is from near the water tank and he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive special Judge (Excise), Saharsa in connection with Mahishi P.S. Case No. 19 of 2024 subject to condition 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/her



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 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 his 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 the bail bonds.

(Rajiv Roy, J)

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