

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51864 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- KHUTAUNA District- Madhubani

Pankaj Kumar Son of Ramchandra Choudhary R/V- Village- Karahiya, P.S.-
Raj Nagar, Distt.- Madhubani, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate
For the Opposite Party/s : Mr.Akbar Ali, APP

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

ORAL ORDER

- 2 19-07-2024 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in connection with Khutauna P.S. Case No. 62 of 2024 instituted for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, in short, is that total 450 litres of liquor was recovered from the car.
4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that petitioner was not arrested on the spot and nor any incriminating article has been recovered from the conscious possession of the petitioner.



Learned counsel further submitted that petitioner is neither the owner nor the driver of the vehicle. The petitioner has got no concern with the alleged recovery of liquor. The co-accused person has already been granted bail by this Bench vide order dated 26.06.2024 passed in Cr. Misc. No. 44431 of 2024. The petitioner is in custody since 13.06.2024 and has four criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Khutauna P.S. Case No. 62 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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