

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76383 of 2023

Arising Out of PS. Case No.-28 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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PANKAJ YADAV @ PANKAJ KUMAR RAY Son of Paplu Ray R/o Rupauli
tola, Hundahitha, Ward no. 5, Thana - Musarigharari, Distt. - Samastipur, Pin
Code - 848132

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raushan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Musrigharari Excise Case No. 28 of 2021 for the offence registered under sections 30A of the Bihar Prohibition & Excise Amendment Act lodged on 22.01.2021 by the informant, Ritu Kumari.

3. As per the prosecution story, upon secret information, police raided the hotel in question and altogether, 540 ml foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that nothing has been recovered from his conscious possession rather the police has shown the recovery/seizure from the jute bag which was present in the hotel, ownership of which cannot be



attributed to him only because he owns the hotel. 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.

6. Taking into account the fact that nothing has been recovered from his conscious possession, he do not have criminal antecedent, FIR lodged and ultimately he will be facing the trial, this Court is inclined to extend 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 Court of Exclusive Special Court, Special Judge (Excise-2), Samastipur in connection with Musrigharari Excise Case No. 28 of 2021 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 of the petitioner, who shall provide official document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

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