

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62492 of 2024**

Arising Out of PS. Case No.-347 Year-2024 Thana- BRAHMPUR District- Buxar

Pankaj Kumar @ Rajesh Kumar Son of Saral Kunwar Village- Dumri PS-
Simri Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 27-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Brahmpur (Chakki) P.S. Case No. 347 of
2024, registered for the offence punishable under Section 30(a)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a tip off trafficking of illicit wine,
apprehended the petitioner and one another accused person, who
were coming on a car bearing Registration No. UP60AM-2992.
On search, total 116.8 liters of illicit wine was recovered.

4. Learned Advocate for the petitioner contended that
the petitioner has neither any concern with the car, in question,
nor with the illicit wine, which has been recovered from the
dicky of the car. On the alleged date of occurrence, the
petitioner was coming with the co-accused *Shambhu Yadav*,



who is said to be owner of the car, in question. In the meantime, the police intercepted and apprehended both the persons. It is next contended that co-accused *Shambhu Yadav* has been allowed the privilege of regular bail from this Court in Cr. Misc. No. 62388 of 2024 vide order dated 04.09.2024. It is lastly contended that in fact on account of past two criminal antecedent of identical nature, his name has been implicated in this case. Certain infirmities have also been pointed out in the search and seizure by the learned Advocate for the petitioner.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner appears to be a habitual offender, indulged in trafficking of illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fact that co-accused person, having identical allegation, has been allowed the privilege of regular bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Special Judge, Court No. - 2, Buxar in connection with Brahmpur (Chakki) P.S. Case No. 347 of 2024,



subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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