

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79576 of 2024

Arising Out of PS. Case No.-681 Year-2019 Thana- FATUA District- Patna

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Pankaj @ Pankaj Kumar Son of Ganesh Prasad Resident of Village- Bankipur
Gorkh, P.S.- Fathua, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Fatuha P.S. Case No. 681 of 2019 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 28.09.2019.

3. It is a case of recovery of 55 litre country made wine from an auto bearing Reg. No. BR01ER5253.

4. Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. He has been made accused in this case as he was driver of the vehicle in question. He further submits that antecedent of the petitioner is clean and proper process of search and seizure has not been followed in this case.



5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that the alleged recovery has not been made from the conscious possession of the petitioner, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of 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 Special Judge, Excise, Patna City, Patna in connection with Fatuha P.S. Case No. 681 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(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 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;

(iv) 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.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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