

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79581 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- NAGARNAUSA District- Nalanda

Pankaj Kumar @ Guddu Kumar Son of Ashok Yadav Resident of Village -
Mahuatal @ Mahuatar, Police Station - Nagarnausa, District - Nalanda at
Biharsharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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 Nagarnausa P.S. Case No. 118 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022 lodged on 1308.2024 by the informant, Pankaj Kumar Pawan.

3. As per the prosecution story, total recovery of 257.13 litre of foreign made liquor has been made from a Tata Safari vehicle having Reg. No. BR01PB0452, which is subject matter of the present case.

4. Learned counsel for the petitioner submits that no illicit liquor has been recovered from the conscious possession



of the petitioner rather the same has been recovered from the Tata Safari Vehicle. He further submits that no proper procedure of search and seizure has been followed in this case. The name of the petitioner has come as driver of the said vehicle but he has no connection with the vehicle.

5. Learned APP opposes the prayer for bail.

6. Keeping in view the aforesaid facts, 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 4th Additional District and Sessions Judge cum Exclusive Special Judge, Excise, Second, Nalanda at Biharsharif, in connection with Nagarnausa P.S. Case No. 118 of 2024 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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