

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84137 of 2024

Arising Out of PS. Case No.-236 Year-2024 Thana- GOPALPUR District- Gopalganj

Pankaj Sah Son of Late Hari Kishun Sah@ Hare Kishun Sah Resident of
village -Chailwa, PS- Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-12-2024 Heard Mr. Dharmveer, learned counsel for the
petitioner and Dr. Kumar Uday Pratap, learned APP.

2. The petitioner is in judicial custody in connection with Gopalpur P.S. Case No. 236 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 22.09.2024 by the informant, Dinesh Singh.

3. As per the prosecution story, the informant alleged that during patrolling and upon secret information, three motorcycles were intercepted and there is recovery/seizure of 36 litres, 18 litres, 18 litres totalling 72 litres of country made liquor. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that so far as the motorcycle he was driving is concerned, there was recovery/seizure of 18 litres of country made liquor, he is not



the owner of the motorcycle nor has criminal antecedent, is a student and has no knowledge about the presence of the liquor, is in custody since 22.09.2024 (para-4 of the petition).

5. Learned APP opposes the prayer submitting that he was driving the motorcycle.

6. Considering the submissions put forward by the parties as also the fact that the petitioner does not own the motorcycle nor has criminal antecedent, has remained in custody since 22.09.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IV-Cum-Exclusive Special Excise Court No.2, Gopalganj in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member/relative 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 month for next six months to mark his 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 his bail bonds.

(Rajiv Roy, J)

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