

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85229 of 2024

Arising Out of PS. Case No.-965 Year-2023 Thana- KANTI District- Muzaffarpur

=====

Pankaj Chaudhary @ Pankaj Kumar S/o Ashok Chaudhary R/o vill - Sain Brij
lala, P.s- Kanti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Ramchandra Sahni

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kanti P.S. Case No. 965/2023 registered for the offences
punishable under Sections 30 (a), 32(2), 32(3), 36, 41(1) and
41(2) of the Bihar Prohibition & Excise Act, 2022

3. As per prosecution case, there was alleged
recovery of total 5670 liter foreign liquor from a truck and four
Pick-up vehicles in question. It is further alleged that co-accused
Deepak Kumar was apprehended on the spot who disclosed the
name of petitioner and others who succeeded in fleeing away
from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 20.11.2024 and bears criminal



antecedent of three cases in which he is on bail in all cases. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that the name of petitioner surfaced in this case upon the disclosure of co-accused Deepak Kumar. Except disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner is neither the owner nor the driver of any of the seized vehicles in question. On similar and identical allegation, co-accused Sunil Kumar and Saurya Pratik have already been granted anticipatory bail by this court vide Cr. Misc. No.24511/2024 and Cr. Misc. no.23980/2024 respectively and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Court No. II, Muzaffarpur in connection with Kanti P.S. Case No. 965 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

