

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2966 of 2024

Arising Out of PS. Case No.-441 Year-2022 Thana- MIRGANJ District- Gopalganj

Pankaj Yadav S/O VIJAY YADAV @ VIJAY KUMAR VILLAGE-
KAWALHATA, PS. MIRGANJ, DIST. GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mirganj P.S. Case No. 441 of 2022 lodged under Section 30(a)
of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the F.I.R. has been
lodged against 4 named accused persons including the petitioner
and total recovery of 185.6 liter wine has alleged to be made,
which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that nothing has been recovered from the possession of the
petitioner rather the apprehended persons have disclosed the
name of petitioner and only due to this reason, the name of the



petitioner has figured in this case.

5. Counsel for the petitioner submits that petitioner is in custody since 15.04.2023 and there are 10 criminal cases pending against him in which he is on bail in all cases. He submits that charge-sheet has already been submitted in this case.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-IV -cum- Exclusive Special Judge, Excise Court No.-II, Gopalganj in connection with Mirganj P.S. Case No. 441 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

8. However, petitioner shall be granted bail only after trial court being satisfied by the affidavit to be submitted by the petitioner to the effect that he is not absconding in any other case which is pending against him whose details are as follows:-

- i. Khampar P.S. Case No. 116 of 2016.
- ii. Mirganj P.S. Case No. 24 of 2019.
- iii. Khampar P.S. Case No. 142 of 2022.
- iv. Khampar P.S. Case no. 143 of 2022.
- v. Mirganj P.S. Case No. 174 of 2022.
- vi. Mirganj P.S. Case No. 175 of 2022.



vii. Mirganj P.S. Case No. 400 of 2022.

viii. Mirganj P.S. Case No. 04 of 2023.

ix. Phulwariya P.S. Case No. 44 of 2023.

x. Hathua P.S. Case No. 54 of 2023

(Dr. Anshuman, J.)

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