

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8606 of 2025

Arising Out of PS. Case No.-224 Year-2024 Thana- BHAGWANPUR District- Vaishali

Pankaj Rai @ Fudi Rai @ Pankaj Kumar @ Pankj Kumar S/o Gena Rai @
Dharmendra Rai, R/o Village- Sathiquta, P.S- Bhagwanpur, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 14-02-2025 Heard Mr. Alok Kumar Alok, the learned counsel

for the petitioner and Mr. Rabindra Kumar, the learned

Additional Public Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since

24.12.2024, in connection with Bhagwanpur P.S. Case No. 224

of 2024, FIR dated 08.08.2024, registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act.
3. Recovery is of 1020.24 litres of Indian made

foreign liquor.
4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case and the

allegation levelled in the FIR is false and fabricated and the

petitioner has not committed any offence as alleged in the FIR.



He further submits that from perusal of the FIR and seizure list it appears that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from one Indian oil tank lorry and Mahindra Pick-up van and from the house of co-accused persons namely, Deepu Rai and Vikash Rai. He further submits that name of the petitioner transpired on the basis of disclosure made by local villagers. He lastly submits that the petitioner is in custody since 24.12.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, however, he fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with **Bhagwanpur P.S. Case No. 224 of 2024**, subject to the



following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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