

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31943 of 2025

Arising Out of PS. Case No.-27 Year-2024 Thana- KOTWA District- East Champaran

Pankaj Kumar S/o Ma Shankar Sah @ Umashankar Sah Resident of Village -
Bhopatpur, PS- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Kotwa
(Bhopatpur) P.S. Case No. 27/2024 registered for the offences
under Sections 30(a), 32, 41(i) of Bihar Prohibition and Excise
(Amendment) Act.

3. As per the prosecution case, the informant A.S.I.
Mahesh Kumar Singh conducted a raid at the house of co-
accused Krishna Rai where after seeing the police all the
accused persons fled and thereafter the local *chowkidar*
disclosed the name of the petitioner among the persons who had
fled. Upon search of the house of co-accused Krishna Rai a total
of 1080.72 liters of english liquor was recovered.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that the petitioner had earlier moved this Hon'ble Court for grant of anticipatory bail and the same was granted vide order dated 26.07.2024 passed in Cr. Misc. No. 51553/2024, however, he could not surrender within the stipulated period and despite filing application for extension, the same was rejected and hence, the petitioner was taken into custody. Learned counsel further submits that no incriminating article has been recovered from the conscious possession of the petitioner. It is lastly submitted that the petitioner has one criminal antecedent in which he is on bail and is languishing in custody since 25.01.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account that the petitioner was not apprehended at the place of occurrence and that no incriminating article has been recovered from his conscious possession and also the fact that the co-accused namely Krishna Rai from whose house the said recovery was made has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 10.05.2024 passed in Cr. Misc. No.



36499/2024, let the petitioner above-named be enlarged on bail on deposition of a sum of Rs. 5,000/- to the Patna High Court Legal Services Committee, Patna and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail bond and thereafter on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Kotwa (Bhopatpur) P.S. Case No. 27/2024 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to the cancelled by the Court concerned.
- d. The Court below 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 court



below shall take step for cancellation of bail
bond of the petitioner. However, the
acceptance of bail bonds in terms of the afore-
mentioned order shall not be delayed for
purpose of or in the name of verification.

(Sourendra Pandey, J)

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