

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66228 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- Excise P.S. District- Samastipur

Pankaj Kumar Son of Nanki Rai R/o Village - Angar Ghat, Ward no. 8, P.S. -
Angar Ghat, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rani Shahsi Bharti, Advocate
		Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s	:	Mr.Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-10-2025 Heard Ms. Rani Shahsi Bharti, learned counsel for
the petitioner and Kanhaiya Kishore, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sadar Excise P.S. Case No. 281/2024, dated 02.11.2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. The prosecution case, in short, 12 litres of countrymade liquor has been recovered from the motorcycle of the petitioner.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the F.I.R. is false and fabricated. It



appears from the F.I.R. and the seizurelist that nothing has been recovered from the conscious possession of the petitioner. Recovery has been made from the motorcycle in question and the petitioner has been made accused only on the ground that he is owner of the seized motorcycle.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and the fact that the petitioner has clean antecedent and also the fact that nothing has been recovered from the conscious possession of the petitioner. Recovery has been made from the motorcycle in question and the petitioner has been made accused only because he is owner of the motorcycle, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, 02-Samastipur, in connection with Sadar Excise P.S. Case No. 281/2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



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

(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 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/her 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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