

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1315 of 2025

Arising Out of PS. Case No.-328 Year-2024 Thana- GORAUL District- Vaishali

Panku Rai @ Pankaj Rai @ Pankaj Kumar, S/O Bipat Rai, resident of Village-
Harpur Arara, P.S- Goraul (Kathara OP), Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Goraul (Katahara OP) PS Case No.328 of 2024 dated
24.08.2024, instituted under Sections 30(a), 32(2) and 41(1) of
the Bihar Prohibition and Excise Act, 2022.

3. The allegation is of recovery of 1026.915 litres
Indian made foreign liquor from the Pickup Van bearing
registration no. BR 10 GA 9583 standing in the bamboo field of
Meghu Bhagat.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Petitioner has not been arrested at the spot. Nothing has
been recovered either from conscious possession or from the



house of the petitioner. Recovery of foreign liquor has been made from Pickup Van bearing registration no. BR 10 GA 9583. Petitioner is neither the owner nor the driver of the Pickup Van and the same does not belong to him. Petitioner has also no concern with the bamboo orchard. Further submission is that co-accused Amit Kumar @ Amit Rai and Munna Kumar @ Munna Sah have been granted anticipatory bail by this Court vide order dated 23.10.2024 passed in Cr. Misc. No.72279 of 2024 and order dated 29.11.2024 passed in Cr. Misc. No. 80837 of 2024 respectively. Lastly, it is submitted that the two criminal cases of similar nature are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1 cum Additional Sessions Judge, Vaishali at Hajipur, in Goraul (Katahara OP) PS Case No.328 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i)



that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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