

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23620 of 2018

Arising Out of PS. Case No.-72 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Kamal Kishore Thakur @ Durgesh, Son of Bhola Thakur, Resident of
Village- Agarwa, P.S.- Motihari Town, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 23-04-2018 Heard Sri Abhishek Kumar, learned counsel for the

petitioner and Sri Ram Sevak Choudhary learned Addl. Public

Prosecutor.

The sole petitioner, apprehending his arrest in
Motihari Town P.S. Case No.72 of 2018, registered for the
offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016, has prayed for grant of bail, in the event of his
arrest or surrender.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case on an
accusation as if from the dicky of motorcycle of the petitioner
about 2.4 Liters of Indian Make Foreign Liquor was recovered.
He submits that on secret information received by the police



that through a parked motorcycle liquor was being supplied, the police arrived and broken the lock of the motorcycle and, thereafter, recovered wine from the dickey of the said motorcycle. Learned counsel for the petitioner submits that it is surprising that how and under what circumstances, the police came and found motorcycle standing near the clinic, in which wine was concealed. He submits that it appears that falsely a case was instituted by way of implanting liquor in the dickey of the motorcycle of the petitioner and the petitioner has been made accused. Learned counsel for the petitioner has also drawn my attention to the statement made in paragraph-3 of the petition to show that the petitioner is having clean antecedent.

Learned Addl. Public Prosecutor has opposed the prayer for bail.

Considering the facts and circumstances particularly the fact that the petitioner is having clean antecedent, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner, namely, Kamal Kishore Thakur @ Durgesh, 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 the learned Special Judge, Excise, Motihari, East Champaran in connection with Motihari Town



P.S. Case No.72 of 2018 subject to conditions as laid down in
Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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