

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85864 of 2019

Arising Out of PS. Case No.-421 Year-2019 Thana- SAKRA District- Muzaffarpur

Munchun Thakur, Son of Late Sufal Thakur, Resident of village - Mahmadpur
Mohan, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection with Sakra P.S.
Case No. 421 of 2019, registered for the offence punishable
under Sections 420, 467 of the Indian Penal Code and Section
25(1-b)a, 26 and 35 of the Arms Act.

The allegation against the petitioner as per First
Information Report is that police on the basis of secret
information that illicit liquor is being loaded near Village
Gangati Dharmagatpur Canal by liquor traders, proceeded
towards the place of occurrence and upon seeing the police
party, 5-6 persons attacked on the police party by making firing
and in retaliation, the police party also fired one round but the
accused persons succeeded in fleeing away from the place of



occurrence and the petitioner was arrested from the spot by the police along with one loaded pistol and 31 cartridges. It has further been alleged that total quantity of 1450 litres of illicit liquor has been recovered by the police from the place of occurrence.

Mr. Hari Kishore Thakur, learned counsel appearing for the petitioner submits that the petitioner has got no criminal antecedent and he is a labourer and the alleged pistol was given to him by Babua Don. Learned counsel further submits that the illicit liquor which has been recovered by the police does not belong to the petitioner and the same has not been recovered from the conscious possession or the premises belonging to the petitioner and the petitioner is in custody since 07.09.2019.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner and the petitioner is in custody since 07.09.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise



Act, Muzaffarpur, in connection with Sakra P.S. Case No. 421 of 2019, with following conditions :-

(1) One of the bailors should be local people having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anil Kumar Sinha, J)

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