

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18645 of 2021**

Arising Out of PS. Case No.-163 Year-2019 Thana- SONBERSA District- Sitamarhi

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Ram Bharosh Thakur @ Ram Bharos Thakur, S/O Paramhansh Thakur @
Parabhans Thakur, R/O Village-Ramnagara, P.S-Riga, District-Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-10-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

At the very outset, learned counsel for the petitioner
submits that the petitioner's custody has been stated as
12.01.2020 due to typographical error. The custody is actually
from 12.11.2020.

The Court would direct that the date of custody in
paragraph 16 of the bail petition be read as, from 12.11.2020.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Sonbarsa P.S. Case No.163 of 2019 registered for the offence
punishable under Sections 272, 273, 414 of the Indian Penal
Code and Sections 30(a), 38(i), 41(i) of the Bihar Prohibition



and Excise Act, 2016.

1189.44 litres illicit liquor has been recovered from *Bathan* (cattle shed) of co-accused Mahendra Panjiyar. It is alleged that the same was brought there by the petitioner.

Counsel for the petitioner submits that as per the prosecution case itself, the petitioner was not arrested at the time and place of recovery. There is no recovery from his possession and he further submits that his implication is based on his antecedents in two cases of similar nature as per the disclosure made in paragraph 3 of the bail petition. He is in custody since 12.11.2020. He denies and disputes the recovery whatsoever.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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



A.D.J.-II-Cum-Special Judge, Excise Act, Sitamarhi, in connection with Sonbarsa P.S. Case No.163 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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