

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19462 of 2021**

Arising Out of PS. Case No.-32 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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SHIV KUMAR THAKUR Son of Umesh Thakur Resident of Village - Dor
Brahmpur, P.S.- Goghardiha, District - Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-07-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start of

normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P.

for the State.

Petitioner in the present case is seeking regular bail in

connection with Sadar Anchal Excise Case No.32/2020 registered for

the offences punishable under Sections 30(a)/32(3) of the Bihar

Prohibition and Excise Act, 2016.

The prosecution case in brief is that on 10.10.2020 the

informant on receiving a secret information along with other police

personnel started checking the vehicles near Jahanpur Toll Plaza. It is

alleged that in course of checking one Esteem VXi vehicle bearing

Reg.No.WB-02Z-1278 was intercepted by the informant and on

search 162 liters of illicit liquor was recovered from the said vehicle.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner and he is a driver of the vehicle from which the illicit liquor was recovered. It is submitted that the petitioner has otherwise no criminal and he is in custody in connection with this case since 11.10.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that allegedly 162 liters of illicit liquor has been recovered from the vehicle which does not belong to the petitioner and he is the driver of the vehicle, the petitioner has remained in custody in connection with this case since 11.10.2020, investigation against him is complete but the trial is not likely to take place in near future, he has otherwise no criminal antecedent, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise, Araria in connection with Sadar Anchal Excise Case No.32/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

