

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38336 of 2021**

Arising Out of PS. Case No.-142 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

BABU LAL THAKUR @ BABULAL SHARMA S/o Late Munilal Thakur
Resident of Village- Parsauni Jahangir, P.S.- Sahebganj, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Adv.

For the Opposite Party/s : Mrs.Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 17-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Kuchaikote P.S. Case No.142 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018.

Altogether 120.180 liters of different brand of wine is said to have been recovered from Wagonr vehicle standing at



village Karmaining Mohabbat over bridge.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case and the allegations levelled against him in the FIR is palpably false. It is submitted that the petitioner is the owner of the said Wagon R car which was taken by the driver on fare but after seizing of the vehicle it is learnt that in his vehicle 120.180 litres of liquor has been recovered which does not belong to the petitioner. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 22.04.2021.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.II cum Special Judge, Excise, Gopalganj, in connection with Kuchaikote P.S. Case No.142 of 2021, with the following conditions:-

(1) 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 petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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