

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38083 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- KATRA District- Muzaffarpur

RAKESH KUMAR S/O RAMNATH CHAUDHRI R/O VILLAGE-ANGOA,
PS-KATRA, DISTRICT-MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, 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 Katra P.S. Case No.54 of 2021, registered for the offence punishable under Section 30(A) of Bihar Prohibition and Excise Act.

It is alleged that three accused persons including the petitioner have been apprehended and recovery of 26.50 liters of illicit liquor have been made from the land of Ramesh Thakur.

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. No incriminating article has been recovered from his conscious physical possession. He has been falsely implicated in this case on the instance of his enemies. He has no concern either with the seized liquor or any trade of liquor or the place of recovery. The said recovery has been made from one Ramesh Thakur and petitioner has no concern with him. There is no compliance of section 100 of the Cr.P.C. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 15.03.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five 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 Spl. Judge, Excise Act, Muzaffarpur, in connection with Katra P.S. Case No.54 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.5,000.00/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

