

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49502 of 2021

Arising Out of PS. Case No.-290 Year-2020 Thana- BAUSI District- Purnia

=====

Bhawesh Kumar Thakur @ Bhawesh Kumar @ Guddu, S/O Jivachh Lal Thakur, Resident of Shivpuri, Ward No.- 9, P.S.- Araria, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party : Mr.Parmanand Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-11-2021 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 Mr. Parmanand Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Baisi P.S. Case No. 290 of 2020 corresponding to Special Excise Case No. 491 of 2020 registered for the offence punishable under Section 30(a)/41/47 of the Bihar Prohibition and Excise Act, 2016.

Earlier the prayer for bail of the petitioner in the present case was allowed in Cr. Misc. No. 8878 of 2021 subject to the conditions mentioned therein. By virtue of one of the conditions mentioned in the order dated 04.05.2021 when it was



noticed that the petitioner has got four criminal antecedents the learned court below has not accepted the bail bond, petitioner has remained in judicial custody.

Learned counsel for the petitioner submits that there was an inadvertent mistake on the part of the Pairvikar of the petitioner in not disclosing the four criminal antecedents of the petitioner, however, the petitioner has remained in jail for the mistake and by now he has completed one year of custody.

Learned counsel submits that in all the four cases stated in paragraph '3' the petitioner has been granted bail either by this Hon'ble Court or by the learned court below itself.

Mr. Parmanand Kumar, learned A.P.P. for the State has opposed the prayer for bail of the petitioner, however, considering the fact that the petitioner is an accused in two cases of similar nature out of the four cases stated in paragraph '3' and he is on bail in those cases as also that the petitioner has remained in custody for over one year in connection with the present case, this Court directs release of the petitioner above named 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 2nd Additional Sessions Judge-cum-Special Judge (Excise), Purnea in



connection with Baisi P.S. Case No. 290 of 2020 corresponding to Special Excise Case No. 491 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

Learned counsel for the petitioner submitted that the Pairvikar of the petitioner was his wife, who is an illiterate lady and is a member of downtrodden society, this Court is not directing for any other and further action against the pairvikar of the petitioner but puts a word of caution to her that henceforth if she is found involved in swearing wrong facts, she may be proceeded against in accordance with law.

(Rajeev Ranjan Prasad, J)

vats/-

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

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'.

