

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4959 of 2021

Arising Out of PS. Case No.-158 Year-2020 Thana- JHANJHARPUR District- Madhubani

NUNU THAKUR @ NUNU KUMAR THAKUR Son of Panch Lal Thakur
@ Panchu Thakur Resident of Village - Machhdhi, P.S.- Jhanjharpur, District
- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Lal Das, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-08-2021 Heard Mr. Shivendra Lal Das, learned Advocate
for the petitioner and Mr. Mukeshwar Dayal, learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Jhanjharpur P.S. Case No. 158 of 2020 dated 26.08.2020 instituted for the offences under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The police received a secret information that a consignment of liquor is being unloaded by Mahesh Mahto and Ganesh Mahto, both sons of one Vishwanath Mahto. On this information, the police reached the place where the consignment of liquor was being unloaded. Two persons were spotted but both of them managed to



run away. It was told by the local Chowkidar that one such person, who ran away from the place of raid was the petitioner.

It has been submitted on behalf of the petitioner that thereafter the house of Ganesh Mahto and Mahesh Mahto was raided and from there, liquor in huge quantity was recovered. It has thus been submitted that nothing has been recovered from the possession of the petitioner and that his implication in this case is only on the basis of his having been identified by the local Chowkidar as having fled away from the place of raid.

In the later part of the FIR, it has been stated that the local villagers have also stated about the petitioner and others having brought liquor which has been seized in the aforesaid operation.

Learned counsel for the petitioner has submitted that the information by local villagers and the Chowkidar cannot be accepted and be taken as evidence good enough for prosecuting the petitioner for this offence. Assuming every statement in the FIR to be *ex facie* true, no offence under the Excise Act can at all be said to have been made out as against the petitioner.

The petitioner does not have criminal antecedents and he has not been made accused in any case like this so far.



For the aforementioned reasons, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Madhubani in connection with Jhanjharpur P.S. Case No. 158 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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