

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8131 of 2021**

Arising Out of PS. Case No.-97 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

Naresh Thakur Son Of Gauri Thakur @ Gauri Shankar Thakur R/O Village-
Lalbanna, P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

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

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

2 01-12-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Bochahan P.S. Case No. 97 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the informant got secret information that some persons are unloading illicit liquor from the truck. On this information, the informant along with other police officials reached the place of occurrence and on seeing the police party, 5-6 persons started fleeing away but two of



them were apprehended. On search of the truck, total 924.480 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is neither the owner nor the driver of the vehicle in question. It is further submitted that there is no recovery from the conscious possession of the petitioner. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the FIR itself states that on secret information, police has made the petitioner an accused in this case, the petitioner has not been arrested on the spot and nobody known to him has identified him while allegedly fleeing away, he has got no criminal antecedent and it is his specific case that he is not the owner of the vehicle, the driver and khalasi of the vehicle have been arrested on the spot and the co-accused Satan Rai @ Satyanarayan Ray who is similarly situated with the petitioner has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 850 of



2021, this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Bochahan P.S. Case No. 97 of 2020, subject to the conditions as laid down under Section 438(2) 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.

The application stands allowed.

(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'.

