

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8878 of 2021**

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

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BHAWESH KUMAR THAKUR @ BHAWESH KUMAR @ GUDDU Son
of Jivachh Lal Thakur Resident of Shivpuri, Ward No. 9, P.S.- Araria, District-
Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

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

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

2 04-05-2021 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Special Excise Case no. 491 of 2020 arising out

of Baisi P.S Case no. 290 of 2020 registered for the offences

punishable under Sections 272 and 273 of the Indian Penal Code

and Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise

Act, 2016.

Learned counsel for the petitioner submits that as per

the prosecution story, on 19.11.2020 when the informant was on

patrolling duty he got information about a van carrying illegal



liquor. The informant started checking of vehicles and from a white color pickup van recovered a total of 522 litres illegal liquor hidden in coconut. The driver of the pickup van tried to flee away but was apprehended by the police.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner had no knowledge of the liquor kept in the van. Learned counsel submits that the petitioner has got no criminal antecedent and is in custody since 20.11.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

In the given facts and circumstances of the case where this petitioner is said to be the driver of the vehicle, he has remained in jail in connection with the present case since 20.11.2020 and prior to the present case he had no criminal antecedent, investigation against him is complete, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea in connection with Special Excise Case no. 491 of 2020 arising out of Baisi P.S Case no. 290 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(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'

