

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7255 of 2022

Arising Out of PS. Case No.-489 Year-2021 Thana- RAJAON District- Banka

Panchu Thakur @ Panchanand Thakur Son of Sargun Thakur Resident of Village - Khiddi, P.s.- Rajoun, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-06-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State through video conferencing.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation from the petitioner's house 109.2 liters illicit country made wine was recovered.

The main submissions advanced by learned counsel for the petitioner are that the place from where the alleged liquor is stated to have been recovered, is a joint house of the petitioner and his family members, there is no independent wit-



ness of the alleged recovery of wine, in petitioner's case charge-sheet has been submitted, he has been languishing in jail since 14.12.2021 there is criminal antecedent of two cases against the petitioner which were not lodged under Excise Act and the same relate to the offences of IPC in which the petitioner is on bail.

Learned APP has opposed the prayer for bail.

In view of the above submissions and considering petitioner's custody period and the fact that the investigation has been completed as submitted and the petitioner's case is at initial stage of trial and the criminal antecedent of the cases shown against the petitioner relates to the offences of IPC, in my view a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Rajoun P.S. case No. 489 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the



Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than two cases mentioned in this petition of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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