

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24592 of 2022

Arising Out of PS. Case No.-107 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Vijay Thakur @ Binod Thakur S/O Late Hari Thakur Resident Of Village-
Prem Nagar Bahori Tola, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Runni Saidpur P.S Case No. 107 of 2019 for the offences
punishable under Sections 30(a) 30A, 38(i) (ii) of the Bihar
Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that on
secret information that in village Prem Nagar Bahori Tola,
huge quantity of liquor has been brought by this petitioner and
kept in the bamboo clump near railway track. The police raided
the spot and on search being made altogether 77.7 liters foreign



liquor was recovered and on seeing the police party co-accused including the petitioner fled away.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor any incriminating material has been recovered from person and possession of the petitioner and the alleged recovery has been made from bamboo clump near railway track, which is open place, accessible to all. It is also submitted that the name of the petitioner has been implicated in this case only on the past criminal antecedent and he is in custody since 28.02.2022, and the investigation of the crime is already completed and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has been involved in two other case of similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither apprehended on the spot nor any incriminating material has been recovered from person and possession. Moreover, petitioner is in custody since 28.02.2022 , though investigation has already been concluded and the charge sheet has been submitted, let the petitioner, above named, be released on bail



on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Special Excise Court, Sitamarhi in connection with Runni Saidpur P.S Case no. 107 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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