

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 40670 of 2021**

Arising Out of PS. Case No.-5 Year-2020 Thana- KHIRHAR District- Madhubani

RAKESH THAKUR Son of Biltu Thakur Resident of Village - Gangaur, P.S.-
Harlakhi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vinod Kumar, Advocate

For the Opposite Party/s : Mr Narsingh Tanti, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **31-01-2022** Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Khirhar Police Station (for brevity, *PS*) Case No 5 of 2020 dated 05.01.2020, GR No 26 of 2020 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

The informant received information regarding transportation of illicit liquor by a Tata Victa vehicle of co-accused Ram Naresh Yadav along with his driver (petitioner). Accordingly, he apprehended the vehicle from which it is alleged that the petitioner has fled away. 693 liters of illicit liquor has been seized from the vehicle. Nearly one year later,



the petitioner has been arrested.

It is the submission of the petitioner's counsel that from the allegations, made in the First Information Report, it is apparent that the petitioner was not arrested at the place and time of recovery. Having no criminal antecedents, he is stated to be in custody since 27.03.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, based on the prosecution case, it is evident that the petitioner was not apprehended at the time and place of recovery and his implication, by name, is alleged to be on secret information. This Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in Khirhar PS Case No 5 of 2020 dated 05.01.2020, GR No 26 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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