

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40073 of 2022

Arising Out of PS. Case No.-132 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

NIKHIL THAKUR Son of Lalan Thakur @ Prem Kumar Thakur Resident of
Village - Ghosaut, P.S.- Siwaipatti, District - Muzaffarpur - 843128.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Brahampura P.S. Case No. 132/2020 registered for the offences
punishable under Sections 272 & 273 of the Indian Penal Code
and Sections 30(a)/36/52/53 of the Bihar Prohibition and Excise
(Amendment) Act, 2016-18.

As per prosecution case, there is alleged recovery of
total 325.08 liters foreign liquor from the house of co-accused,
Kunal Bhagat and garage of co-accused, Mukesh Mistry. It is
further alleged that there is one motorcycle and one Scorpio
vehicle recovered from the place of occurrence. The petitioner



was not apprehended on the spot. The name of petitioner surfaced on the basis of confessional statement of co-accused, Kunal Bhagat and he said that the petitioner had given it for sale.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner has no concern with the alleged place of occurrence nor concerned with the seized liquor. The petitioner is languishing in custody since 14.03.2022 and bears criminal antecedent of 06 cases of similar nature in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-I, Muzaffarpur in connection with Brahampura P.S. Case No. 132/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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