

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40347 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- RUDRAPUR District- Madhubani

SUNIL THAKUR Son of Ram Prasad Thakur Resident of Village - Mahrail,
P.S.- Rudrapur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Upendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Manoj Kumar Jha, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Rudrapur P. S. Case No. 59 of 2022 registered for the offences punishable under Sections 272, 273, 379 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police on a secret information, raided the shop of the petitioner



and on search, one Santro vehicle and one Passion Pro motorcycle were seized. It is also alleged that total 465.640 litres illicit wine was recovered from the seized car and from the motorcycle, in question. It is further alleged that five persons including the petitioner were apprehended from the said shop.

Learned counsel appearing on behalf of the petitioner submitted that in fact, the petitioner has a stationery shop, which is build up in the area of 100 sq. Feet and hence, the recovery of Santro vehicle, two motorcycles and a bed cannot be believable. It is also submitted that the petitioner being owner of the passion motorcycle, which was recovered from the place of occurrence, his name has been implicated in this case. It is further submitted that the petitioner has neither any concern with the alleged seized Nepali Saufi wine nor with the any incriminating material, which is said to have been recovered from the shop of the petitioner. It is next submitted that only because of the past criminal antecedent, his name has been implicated in this case, though the petitioner is in custody since 22.04.2022 and moreover, the investigation of the crime is already completed and charge sheet has been submitted and there is complete defiance of Section 100 of the Cr.P.C., apart from the non-compliance of Sections 81 and 82 of the Bihar



Prohibition and Excise Act, 2016.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the investigation of the crime is already completed and the charge sheet has been submitted, so far the petitioner is concerned, he is in custody since 22.04.2022 and moreover, he is on bail in other cases, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-II, Excise Act, Jhajharpur, Madhubani in connection with Rudrapur P. S. Case No. 59 of 2022, subject to the condition that one of the bailors will be the close relative 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)

shakir/-

U		T	
---	--	---	--

