

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49259 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- PUSA District- Samastipur

RAJIV THAKUR @ RAJIV KUMAR THAKUR Son of Mr. Jitendra Thakur
Resident of Village - Dhobgama, P.S. - Pusa, District - Samastipur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Ms. Vaishnavi Singh, Advocate.
For the State : Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 08-02-2022 The applicant/accused in Crime No.77 of 2020 registered with Police Station-Pusa for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, by this application is seeking his release on bail after filing of the charge-sheet.

The applicant has claimed for out of turn hearing on the ground of heart ailment of his father requiring medical treatment and the prosecution was also given time to ascertain the veracity of this ground.

The learned counsel appearing for the applicant argued that the applicant is neither concern with the pickup van nor with the husk house from where the Indian Made Foreign Liquor is claimed to have been recovered. In fact, the said land on which the husk house is located was gifted by the forefathers



of the applicant to the State Government and now the office of the Mahila Mandal is running on that land. It is further averred that the applicant is not having any criminal antecedents.

The learned A.P.P. opposed the application by contending that from the possession of the applicant Indian Made Foreign Liquor of 1114.12 liters quantity came to be seized.

I have considered the submissions so advanced.

It is not in dispute that the applicant has clean antecedent. The investigation of the crime in question is over. The applicant has already undergone pretrial detention during the investigation of the subject crime. In this view of the matter, I see no reason to deny bail to the applicant. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.77 of 2020 registered with Police Station-Pusa for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade



him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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