

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39981 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- SAKRA District- Muzaffarpur

Rajeev Thakur @ Rinkal @ Rahul Kumar, S/o Late Dinesh Thakur, Resident of Village- Dholi Bazar Shambhunathpur, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Chandra Shekhar Anand, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sakra P.S. Case No. 199 of 2021 registered for the offence punishable under Section 30(a) Bihar Prohibition and Excise Act, 2016.

In course of patrolling duty, the police on a secret information intercepted a tempo, however, on noticing the police party, the persons, who were sitting in the tempo, succeeded in fleeing away. On search, total 71.685 litres of Indian made foreign liquor was recovered. It is also alleged



thereafter the police conducted raid in the house of Raju Chaudhary, from where 6.153 litres of foreign liquor and 3.750 litres of foreign liquor was recovered from the motorcycle. Some other amount of foreign liquor has also been recovered from the house of other accused persons.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession. He further submits that the vehicles, from which recovery were made, do not belong to the petitioner, however, the name of the petitioner has been implicated only on account of his past criminal antecedent. He next submits that other co-accused persons, from whose house recovery has been made, have already been granted bail by the different learned co-ordinate Benches of this Court. He lastly submits that the petitioner is in custody since 26.02.2022.

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 considering the fact that the petitioner was neither apprehended at spot nor any incriminating material has been recovered and, moreover, the other co-accused persons,



having similar allegation, have already been granted bail by the different learned co-ordinate Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-I, Muzaffarpur in connection with Sakra P.S. Case No. 199 of 2021 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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