

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41105 of 2022

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

Rajesh Thakur @ Rajesh Sah @ Rajesh Kumar Son Of Shibji Sah @ Shiv Kumar Sah R/O Village- Kanhauli, Jhanjharpur, P.S.- Jhanjharpur, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 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. Md. Soban Asghar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

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, 2018.

The allegation against the petitioner is to be



engaged in trafficking of illicit liquor, the police conducted a raid and on search, total 465.640 litres illicit liquor was recovered from the shop of one Sunil Thakur. It is also alleged that one Santro car and two motorcycles were also recovered from the shop, in question.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the alleged recovery has been made from the shop of one Sunil Thakur and so far the petitioner is concerned, he has neither any concern with the shop nor with the recovered illicit liquor, however, only on the date of the alleged occurrence, he was present there on account of some business purpose, in the meantime, the police raided the shop of the petitioner and thereafter, he was apprehended on suspicion. It is also submitted that so far Sunil Thakur is concerned, against whom there was specific allegation and the entire recovery has been made from his shop, has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 40347 of 2022 vide order dated 23.09.2022. It is last submitted that the petitioner having fair antecedent, is in custody since 22.04.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.



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 petitioner having fair antecedent, is in custody since 22.04.2022 and the investigation of the crime is already completed and the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, above named, 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 Act, Jhanjharpur, 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.

(Harish Kumar, J)

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