

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41826 of 2022**

Arising Out of PS. Case No.-79 Year-2022 Thana- SAKRA District- Muzaffarpur

=====

RAJA THAKUR S/O LATE AKLU THAKUR Resident of Village-  
Jagdishpur Baghnagri, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

=====

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      05-09-2022                      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 Sakra P.S.  
  
Case No. 79/2022 registered for the offences punishable under  
Sections 272, 273, 120(B), 420, 467, 468 and 471 of the Indian  
Penal Code and Sections 30(a), 36 and 41 (i) (ii) of the Bihar  
Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of  
  
total 2131.08 liters foreign liquor from different vehicles in  
question. The petitioner and others apprehended on the spot.

Learned counsel for the petitioner submits that  
  
petitioner is innocent and has falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 13.02.2022 and bears no criminal antecedent. The petitioner is neither concerned with the seized vehicles in question nor concerned with the seized liquor. Seizure list has not been prepared as per law. Learned counsel for the petitioner further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Binod Chaudhary @ Vinod Chaudhary has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.31257/2022 and the case of present petitioner stands on similar footing.

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, charge sheet has already been submitted in this case as submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1,



Muzaffarpur in connection with Sakra P.S. Case No. 79/2022,  
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)**

amitkumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

