

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47532 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- ROSERA District- Samastipur

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Durgesh Thakur @ Durga Prasad @ Deepak S/O Ram Shankar Thakur
Resident of village- Dhattha, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Rosera P.S. Case No. 32 of 2022 lodged under Sections 272,
273/34 of the I.P.C. read with Section 30(a) of the Bihar
Prohibition and Excise Act & Section 25(1-b), A/26/35 of Arms
Act.

As per the prosecution case, total recovery of 1125
litres of foreign liquor alongwith arms and live cartridges are the
subject matter of this case.

Learned counsel for the petitioner submits that all
such articles were recovered from a tractor kept in abandon

place. Counsel specifically submits that he is not the owner of the tractor nor the driver. On the basis of information that the loaded material on the trailer belongs to Durgesh Thakur and Ram Babu Ray @ Narad Jee. The name of petitioner have figured in this case.

Counsel for the petitioner submits that petitioner is in custody since 06.06.2022. Nothing was recovered from his conscious possession. Charge sheet has already been filed in this case and there is one criminal case pending against the petitioner in which he is persuading bail. Counsel further submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Court No. I, Samastipur in connection with Rosera P.S. Case No. 32 of 2022, subject to the conditions as laid down under Section 437(3) of

Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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