

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64928 of 2021**

Arising Out of PS. Case No.-51 Year-2021 Thana- KARJA District- Muzaffarpur

RAHUL KUMAR Son of Mr. Kamlesh Thakur Resident of Village -
Rasulpur, P.S.- Karja, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

Ms. Vaishnavi Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 11-02-2022 Heard Mr. Mr. Ajay Kumar Thakur, learned counsel
for the petitioner and Mr. Ganesh Prasad Singh, Additional
Public Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with Karja
PS Case No. 51/2021 registered for the offence punishable
under Section 414, 120(B) of the IPC and Excise Act and 25(b)
a, 26, 35 of the Arms Act.

The police got a secret information that some of the
accused persons were indulged in illegal trade of liquor, raided
the house of one, Rahul Kumar son of Birendra Thakur and
recovered three pistols along with cartridges and also 8.250
litres of the illicit liquor and on the indication of said Rahul
Kumar, the house of one Abhymanand Sharma @ Tinku Sharma



was raided from where the police recovered cheque of Rs. 4 Lacs and again on his indication, the house of the petitioner was raided and sum of Rs. 49,98,000/- (Forty nine lacs ninety eight thousand) along with 8.64 litres of illicit Indian made foreign liquor was recovered and the petitioner was found absconding.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case mainly because a sum of Rs. 49,98,000/- (Forty nine lacs ninety eight thousand) was found kept in the house of the petitioner. He further submits that the fact of the matter is that the grand father of the petitioner has entered into an agreement with proposed purchaser for sale of the land owned by his family which would be evident from Annexure-2 series on 21.02.2021 and the money paid by the proposed purchaser was kept in the house but on 22.02.2021, the police raided the house and recovered the said amount from his house. It is further submitted that the grand father of the petitioner had lodged a case on 26.02.2021 before learned Magistrate bearing Complaint Case No. 261/2021 against the police officials regarding illegal seizure of amount in question and the learned Magistrate *vide* order dated 02.06.2021 directed for institution of an FIR under Section 156(3) of the CrPC which was challenged by the police officials



vide Cr. Revision No. 67/2021 which has been dismissed by the learned Sessions Judge, Muzaffarpur on 14th of September, 2021.

Learned counsel further submits that co-accused, Rahul Kumar son of Birendra Thakur has been granted bail by a Bench of this Court vide Cr. Misc. No. 40720/2021. A very small quantity of Indian made foreign liquor has been recovered from the house of the petitioner and he is in custody since 06.08.2021 and after institution of the complaint-cum-FIR by the grand father of the petitioner, the police got him implicated in three other criminal cases.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that the money recovered from the house of the petitioner has been claimed to be the money paid by the proposed purchaser towards sale of the piece of land by the grand father of the petitioner, petitioner is in custody since 06.08.2021, small quantity of IMFL has been recovered from his house, charge-sheet has been submitted in the matter, trial is not likely to be concluded in near future due to pandemic and one another co-accused has already been granted bail by a Co-ordinate Bench of this Court, I am inclined to grant regular bail



to the petitioner. Accordingly, let the petitioner, RAHUL KUMAR be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Karja PS Case No. 51/2021.

(Anil Kumar Sinha, J)

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