

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65491 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- BASOPATTI District- Madhubani

KRISHNA KUMAR THAKUR Son of Mangnu Thakur Resident of Village -
Jankinagar, P.S.- Basopatti, Distt.- Madhubani. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-04-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 900 litres of liquor was recovered from the vehicle in question of which the petitioner was the owner.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the registered owner of the vehicle in question. No incriminating article has been recovered from his possession nor was he arrested at the spot. He was taken into custody on 11.9.2020. Subsequently, by order dated 29.9.2020 (Annexure-2) he was enlarged on bail in the instant



case vide order passed by the learned Additional Sessions Judge-cum-Special Judge, Excise, Madhubani. Subsequent to filing of the charge sheet, on 25.11.2020 he was again taken into custody on 11.9.2021. For the period that the petitioner remained on bail, there is no allegation against him of tampering with the evidence or influencing the witnesses. The cause of false implication of the petitioner is an antecedent under the Bihar Prohibition and Excise Act, 2016.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner not having been arrested at the spot and during the period the petitioner remained on bail vide order dated 29.9.2020, there being no allegation against him of tampering with the evidence or influencing the witnesses, the Court directs the petitioner to be enlarged on bail in connection with Basopatti P.S. Case no. 66 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani.

(Partha Sarthy, J)

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