

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65907 of 2021

Arising Out of PS. Case No.-242 Year-2019 Thana- PAROO District- Muzaffarpur

SUMAN THAKUR Son of Sri Ram Shankar Prasad Thakur Resident of
Village- Paroo Babu Tola, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Pandey,

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 26.10.2021,
seeks regular bail in connection with Paroo P.S. Case No. 242 of
2019 for the offence punishable under Sections 30/30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether
4911.840 litres of illicit liquor was recovered from two vehicles
bearing registration no. BR-06B-9345 and BR-06-GB-1797.
Petitioner has been named in the present case on the basis of



confidential information that he was also involved in the supply and sale of the illicit liquor in the State of Bihar. Accordingly, seizure-list was prepared.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that in the present case the owner of the pick up van bearing registration no. BR 06B 9345 is named accused in the F.I.R. and other name has surfaced in the course of investigation on the basis of confidential information. The owner of the aforesaid pick up van has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 18.10.2019 passed in Cr. Misc. No. 63356 of 2019 and the other accused whose name has also surfaced on the basis of confidential information namely Lakhindra Kumar has also been released on anticipatory bail vide order dated 19.09.2019 passed in Cr. Misc. No. 59282 of 2019. Learned counsel further submits that the petitioner has been made accused in other criminal cases also prior to the present case and in all the cases, the petitioner is on bail and there is no allegation of tampering with the evidence or influencing the witnesses against the petitioner, as such the petitioner on the ground of parity be released on bail.



Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that criminal antecedent of the petitioner is as such that his complicity in the present case cannot be ruled out. Moreover, on the confidential information, the police has found that the present petitioner is also engaged in the sale and supply of illicit liquor in the State of Bihar. Hence the petitioner is not entitled to be released on bail.

Considering the aforementioned facts and circumstances of the case, petitioner has made out a specific case that nothing has been recovered from his conscious possession and one co-accused who has also been made accused on the basis of confidential information has already been released on anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.09.2019 passed in Cr. Misc. No. 59282 of 2019, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Paroo P.S. Case No. 242 of 2019, subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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