

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69834 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- KHAGARIA District- Khagaria

Kanhaiya Thakur @ Aditya Kumar, Son of Baleshwar Thakur Resident of
Village - Baluahi, P.S. - Khagaria, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Khagaria P.S. Case No.41/2021 instituted under Section
30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation in the FIR is that the police upon
information raided the house of Gautam Chaudhary and Rintu
Choudhary who are brothers and recovered/seized 6887 bottles
of cough syrup. As the police party arrived at the house of
accused Rintu Choudhary, some people managed to escape in
the garb of darkness. The bottles of cough syrup were seized,
seizure list prepared and upon information about the people
fleeing away, name of the petitioner cropped up and accordingly
FIR was lodged amongst other against him.



Learned counsel for the petitioner submits that he had nothing to do with the said recovery/seizure of the cough syrup inasmuch as the joint house belongs to accused Gautam Chaudhary and Rintu Choudhary and the name of this petitioner has only been dragged in because he has criminal antecedent. He has further drawn this Court attention to an order dated 17.09.2021 passed in Cr. Misc. No.34721/2021 by which the accused Rintu Choudhary @ Ritu Raj Kumar was granted the privilege of anticipatory bail by a co-ordinate Bench of this Court. He lastly submits that he is in jail since 23.10.2021 (as stated in para-14 of the bail application).

Taking into account the aforesaid fact the house does not belong to the petitioner, nothing has been recovered from his conscious possession, charge sheet stand submitted and he is in jail since 23.10.2021, as also that one of the co-accused Rintu Choudhary @ Ritu Raj Kumar has since been extended the privilege of anticipatory bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Khagaria P.S. Case No.41/2021 to the satisfaction of learned Special



Judge, Excise, Khagaria, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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