

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71122 of 2021**

Arising Out of PS. Case No.-151 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Anshu Thakur @ Ashish Thakur S/O Late Shiv Kumar Thakur R/O Village-
Maheshpur, P.S.- Manpur, District- Sitapur (U.P.)

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Opposite Party/s : Mr.APP

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with S. Kamal
P.S. Case No. 151 of 2021 registered for the offences punishable
under Sections 120(B), 414/34 of the Indian Penal Code and
Sections 30(a) 32, 27, 41(1) of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, there is alleged recovery of
2227 litre foreign liquor from truck in question and petitioner is
apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 05.07.2021 and bears no criminal history. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner is neither concerned with the alleged vehicle in question nor recovered liquor belongs to him. Nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been falsely implicated in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Begusarai in connection with S. Kamal P.S. Case No. 151 of 2021 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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