

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72373 of 2021**

Arising Out of PS. Case No.-490 Year-2019 Thana- SARAIYA District- Muzaffarpur

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KRISHNA MOHAN THAKUR @RUDAL THAKUR Son of Ramsobhit
Thakur Resident of Village - Baghnagri, P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 25-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 272,273,34 of IPC and Sections 30(a),32(ii),38(ii),41(i) of Bihar Prohibition and Excise Act.

Recovery is of 1278.960 liters of foreign liquor.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the Cow shed of the petitioner. He further submits that there is non-compliance of Section 100 of Cr.P.C. and the similarly situated co-accused, namely, Tarkeshwar Chaudhary @ Tarkesh Chaudhary has been granted bail vide order dated 10.06.2020 in Cr. Misc. No.10474 of 2020 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Saraiya Police Station Case No.490 2019, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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