

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72121 of 2021

Arising Out of PS. Case No.-382 Year-2021 Thana- BUXAR District- Buxar

BIRBAL THAKUR S/o Radheshyam Thakur @ Radhe Shyam Thakur R/o
village- Majhariya, P.S.- Buxar (Industrial), District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Buxar (Town) P.S. Case No. 382 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 26.08.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got secret information that illegal liquor is being transported by a white colour pick-up van from Buxar bypass road, he proceeded



and saw the said van was coming, the van was stopped by the police team, two persons were sitting in the van were apprehended who disclosed their name as Durgesh Yadav and Birbal Thakur. Total 228.96 liters of illicit liquor were recovered from the Van in question.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing incriminating article has been recovered from the possession of the petitioner, petitioner is a student and at the time of alleged occurrence he was going to attend his class in a Coaching Institute, however he is in custody since 26.08.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that petitioner is neither the owner nor the driver of the vehicle in question, he was going to attend his class in a Coaching Institute and had taken a lift in the said vehicle, he is in custody since 26.08.2021, he has otherwise no criminal antecedent, investigation against him is complete and his presence may be secured in course of trial, therefore, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the



like amount each to the satisfaction of learned Additional Sessions Judge - 2nd – cum – Special Judge, Excise, Buxar in connection with Buxar (Town) P.S. Case No. 382 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

