

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40987 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- KALYANPUR District- Samastipur

Rajeev Kumar Thakur Son Of Krishndev Thakur @ Kishan Dev Thakur
Resident Of Village- Lachhrampur Jitwaria Ps- Kalyanpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Kalyanpur P.S. Case No. 138 of 2023 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution story, the police upon secret information raided the cattle house of the petitioner and recovered 672.48 liters of foreign liquor was recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that the recovery was made from the cattle house which is an open place and a joint family property, he was not present at the place of recovery, has been wrongly implicated and lastly, he do not have criminal antecedent.

Learned APP opposes the prayer stating that the



recovery is from the cattle house.

Considering the fact that the recovery is from the cattle house which is a joint property and nothing has been recovered from his conscious possession and further he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Kalyanpur P.S. Case No. 138 of 2023 to the satisfaction of learned Special Judge Excise Court-I, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

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

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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