

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54181 of 2023

Arising Out of PS. Case No.-350 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Praveen Thakur Son Of Rajendra Thakur Resident Of Village - Belauna, P.S. -
Basopatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
16.07.2023, in connection with Kuchaikote P.S. Case No. 350 of
2023, F.I.R. dated 15.07.2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. Recovery is of 84.040 litres of country made
liquor.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case merely on the basis of disclosure
made by other co-accused person. He further submits that it
appears from the F.I.R. as well as seizure list that nothing



incriminating article has been recovered from the conscious possession of the petitioner rather recovery has been made from the vehicle in question and the petitioner is neither the owner nor the driver of the vehicle in question. He further submits that he has no concern at all with the alleged recovery of illicit liquor or the vehicle in question and the petitioner is in custody since 16.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and the petitioner having clean antecedent, 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 Additional District & Sessions Judge-IV cum Exclusive Special Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 350 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



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

(3) 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 antecedents, 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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