

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60998 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- CHACKMEHSI District- Samastipur

Nagendra Thakur Son Of Late Ram Pratap Thakur Resident Of Village-
Navangang, Ps- Chakmehsi, Kalyanpur, Distt- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate
For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehend arrest in connection with
Chakmehsi P.S. Case No. 106 of 2022 dated 04.06.2022
instituted for the offence punishable under Section 30(A) of
Bihar Prohibition and Excise Act, 2018.

3. The prosecution case, in short, is that 04.06.2022 at
about 17.00 hrs, while on patrolling, the informant received
information about liquor kept in the poultry farm situated in the
Lichi orchard of Nagendra Thakur. As soon as the informant
along with his associates reached at the said orchard of Lichi,
two persons, on seeing the police, managed to escape away. On
search, 31.140 litre liquor has been recovered from the poultry
farm of the said orchard of Nagendra Thakur. It is also alleged



that the persons fled away from the spot were Deepak Sahni and Ladoo Sahni, who used to sell the liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is 72 years old. Petitioner is the owner of Lichi orchard. Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. The said poultry farm from where the alleged liquor has been recovered is not functional since long. Learned counsel for the petitioner submits that only on the basis that petitioner is the owner of the said Lichi orchard and poultry farm, he has been made accused in this case. The distance between the house of the petitioner and the Lichi orchard is about 1 km. The petitioner had no knowledge and no concern with any of other accused persons, who used to sell illicit liquor in the orchard. Learned counsel for the petitioner submits that similarly situated co-accused, namely, Deepak Sahni @ Deepak Kumar and Laddu Sahni have been granted bail vide order dated 18.03.2023 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 73492 of 2022. Lastly, it has been submitted that petitioner has no criminal antecedent.



5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Chakmehsi P.S. Case No. 106 of 2022, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-1, Samastipur subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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