

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63214 of 2023

Arising Out of PS. Case No.-1577 Year-2023 Thana- Excise P.S. District- Muzaffarpur

Vagish Kumar Thakur @ Shalu Thakur Son Of Sunil Thakur @ Sushil Thakur
Resident Of Village Raghauli, Ps- Bisfi, Dist- Madhubani. Presently Residing
At Mohalla- Aamgola, Ps- Mithanpura, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Excise P.S. Case No. 1577 of 2023 dated 06.08.2023, instituted
for the offence punishable under Sections 30(a) and 32(3) of the
Bihar Prohibition and Excise Act, 2016 (Amendment Act,
2018/22).

3. The prosecution case in short, is that on
05.08.2023, the informant received a secret information that
Ajay Jha @ Babua Don, Sushil Singh, Md. Isteyaq, Shalu
Thakur (Petitioner) and Chandan Sah were bringing illicit liquor
by a Truck from Dharbhanga to Muzaffarpur and on this



information, he along with police party reached Dharbhanga Border and started vehicle checking then a truck was seen coming, when the informant signaled the truck to stop, the driver did not stop and when he was chased, the driver managed to escape leaving the truck on the road. Thereafter, on being search, a total of 2678.400 litres of illicit foreign liquor was seized from the truck bearing Reg. No. NL01K-6482.

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 during investigation no cogent materials has come against the petitioner and only on the basis of suspicion, the petitioner has been made accused in this case. It is further stated that petitioner has not been arrested at the spot. It is further submitted that the seized truck bears the vehicle no. of Nagaland and petitioner has no concern with the seized truck. Learned counsel further submitted that one co-accused namely, Chandan Kumar @ Chandan Sah has been granted bail today vide order dated 16.10.2023 by a Co-ordinate Bench of this Court passed in Criminal Miscellaneous No. 62950 of 2023. Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for 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 Excise P.S. Case No. 1577 of 2023, he shall 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 Exclusive Special Judge Excise, Court No.-II, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



4. 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.

(Khatim Reza, J)

Sankalp/-

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