

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63227 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

Shivam Thakur, Son Of Bibhu Thakur, R/O Vill.- Bhatsimar, P.S.- Rajnagar,
Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha,Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Bhairvasthan P.S. Case No.183 of 2022 registered for the
offence punishable under Section 34/420/467/468/471 of the
Indian Penal Code and Section 30(a)/32/36/41 of the Bihar
Prohibition and Excise Act.

There is alleged recovery of 1548 litres of illicit
liquor from the truck. Petitioner is stated to be one of the
passengers sitting in the truck.

Learned counsel for the petitioner submits that



petitioner's implication is false. The petitioner was near the place of recovery and he has been made an accused on extraneous considerations and because of his antecedents in Bhairvasthan P.S. Case No.98 of 2022. He has no concern with the illicit liquor. Vehicle is also not standing in his name. He is in custody since 03.10.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise Act, Jhanjharpur, Madhubani, in connection with Bhairvasthan P.S. Case No.183 of 2022, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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