

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73179 of 2022

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

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Rajnish Kumar Thakur @ Rajnish Thakur, Son of Vimal Thakur, R/v-
Mahrail, P.S.- Rudrapur, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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with
CRIMINAL MISCELLANEOUS No. 2509 of 2023

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

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Md. Akbar, S/o Md. Najam @ Najamuddin, R/o Village- Chocha, P.S.-
Bayasi, Distt- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 73179 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Ms. Pushpa Sinha.1

(In CRIMINAL MISCELLANEOUS No. 2509 of 2023)

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with

Bhairvasthan P.S. Case No. 183 of 2022, registered for the

offences punishable under Sections. - 34, 420, 467, 468,



471 of the Indian Penal Code and Section 30(a), 32, 36, 41 of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 1548 liters of liquor has been recovered from a truck.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr. P.C.

He further submits that the petitioner, Rajnish Kumar Thakur and Md. Akbar have been languishing in jail since 12.11.2022 and 03.10.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner/Rajnish Kumar Thakur has earlier been made accused in two other cases whereas the petitioner/Md. Akbar has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court



earlier either for anticipatory bail or regular one in the present case.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Court of Special Judge, Excise Act, Jhanjharpur, Madhubani, in connection with Bhairvasthan P.S. Case No. 183 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail bonds will be cancelled by the court below.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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