

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3596 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- AMNAUR District- Saran

Rahul Kumar Thakur @ Rahul Kumar, S/o Tejan Thakur, R/o Village-
Sidhwalia, P.S.- Muffasil @ Chapra Muffasil, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Amnour P.S. Case No. 233 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, during checking of vehicles,
tempo of the petitioner was intercepted and from this tempo 334
liters of illicit country made liquor was recovered and the
petitioner was apprehended.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this



case and nothing incriminating has been recovered from his conscious possession. It is apparent from the F.I.R. that recovery has been made from the tempo bearing Reg. No. BR-04PA-4828, but the petitioner has no concern with the said tempo and neither the petitioner nor any of his family members is the owner of the said tempo. The fact of the case is that the real driver of the tempo fled away from the spot and on suspicion this petitioner was apprehended. The petitioner is person of tender age and is aged about 21 years only and is involved in farming work with his father. Charge sheet has been submitted in this case and the petitioner is in custody since 09.08.2022. The petitioner has got no criminal history.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 2nd-cum-1st Exclusive Special Judge, Excise,



Saran at Chapra in connection with Amnour P.S. Case No. 233 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Daya/-

U		T	
---	--	---	--

