

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80313 of 2023**

Arising Out of PS. Case No.-175 Year-2021 Thana- MUSAHARI District- Muzaffarpur

Shalu Thakur @ Vagish Kumar Thakur S/O Sunil Kumar Thakur @ Sushil Thakur R/O Village- Raghauli, Ps. Bisfi, Dist. Madhubani, Presently Residing At Mohalla- Amgola, Ps. Mithanpura, Distt. 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. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      15-12-2023                      Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 272, 273 and 34 of the Indian Penal Code and Section 30(a), 36 and 41 of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 962.280 liters of foreign liquor is said to have recovered from the two vehicles standing near the house of the co-accused Anand Sahani. He submits that allegation against the petitioner is that he along with other co-



accused managed to ran away from the place of occurrence. He submits that there is no recovery made from the conscious possession of the petitioner. He further submits that petitioner has got two criminal antecedents in similar nature of the offence as stated in para-3 of the bail application.

4. Petitioner is agreed to deposit a sum of Rs. 25,000.00/- (Rupees Twenty-Five Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No. 3332964762, IFSC Code: CBIN0282779 (fifth character is zero), Central Bank of India, Chitkohra Branch.

5. Considering the facts and circumstance of the case and the fact that there is no recovery from the conscious possession of the petitioner, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mushahari P.S. Case No. 175 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(i) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

**(Anjani Kumar Sharan, J)**

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