

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37596 of 2024

Arising Out of PS. Case No.-567 Year-2022 Thana- PATNA RAIL P.S. District- Patna

Nand Kishor Thakur son of Laxmi Thakur Resident of Shree Laxmi Niwas,
P.N. Colony, Sapuipara Nischinda, Howrah, P.S.- Nischinda, Dist.- Howrah
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Rail P.S. Case No. 567 of 2022 registered for the offences punishable under Section 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018. He has no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioner is to have in possession of total 15.750 liters of illicit liquor along with other co-accused persons and further that he has involved in illegal trade/manufacturing of illicit liquor.



4. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner appears only being lease holder of M/s Samadhan Centre who engaged in 'parcel' activities through train and as from one parcel at Patna Railway Station, aforesaid illicit liquor recovered, he was implicated accordingly. It is submitted that the packing activities carried out at M/s Samadhan Centre by different staffs and there being a lease holder, petitioner was implicated with. It is further submitted that nothing surfaced during investigation which may suggest that petitioner was under knowledge of said illicit liquor while sending it through alleged parcel to Patna and, as such, it cannot be said that the aforesaid recovery was made from his conscious possession. While concluding argument, learned counsel submitted that petitioner is a man of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions as implication of petitioner appears only being lease holder of



M/s Samadhan Centre where recovery admittedly appears at Patna Railway Station i.e. not from conscious physical possession of petitioner coupled with the fact that petitioner is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise - 1st, Patna in connection with Rail P.S. Case No. 567 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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