

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67404 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- KODHOBARI District- Kishanganj

Bijay Thakur @ Vijay Kumar Thakur Son of Dewal Thakur Resident of
Village - Mudhibechi Tola, P.S.- Bibiganj, Dist.- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kumar, Advocate
For the Opposite Party : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Raj Kumar, the learned counsel for the
petitioner and Ms. Sucheta Yadav, the learned Additional Public
Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
04.08.2024, in connection with Kodhobari P.S. Case No. 39 of
2024, FIR dated 03.08.2024, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Recovery is of altogether 55.830 litres of foreign
liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per
allegation in the FIR, 25.830 litres of foreign liquor and 30 litres
of Nepali country made liquor has been recovered from the



motorcycle in question and petitioner and another co-accused person were arrested along with aforesaid articles. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He lastly submits that it is evident from the FIR itself that nothing has been recovered from the conscious possession of the petitioner and petitioner is in custody since 04.08.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II-cum-Special Judge (Excise-I), Kishanganj, in connection with **Kodhobari P.S. Case No. 39 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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