

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77023 of 2024

Arising Out of PS. Case No.-202 Year-2024 Thana- BHAPTIAHI District- Supaul

Vijay Thakur @ Vijay Kumar Son of Shambhu Thakur R/O Vill- Bhaptiyahi,
Ward No.05, P.S.- Bhaptiyahi, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Kumar Singh, Adv.
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Bhaptiyahi PS Case No. 202/24 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 19.08.2024 by the informant, Sonu Kumar.

3. As per the prosecution story, the informant alleged that on information of smuggling liquor from Nepal by boat by one Sanjay Kumar, the police reached the place near Indo-Nepal dam and found the accused persons unloading the materials from the boat. Upon sight of the police, they escaped and from the sacks, there is recovery/seizure of 253.5 litres of Nepali liquor. The police subsequently, raided the house of the Sanjay Kumar and found the accused persons including this petitioner unloading the sacks. The court-yard was searched, there is



recovery/seizure of 528 litres of Nepali liquor as also 8.280 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that neither he has any concerned with the unloading of the material from the boat nor from the house. Sanjay Kumar is not related to him and recovery/seizure is from his place, he has remained in custody since 20.08.2024 (para-17 of the petition) and has no criminal antecedent.

5. Learned APP opposes the prayer submitting that the apprehended person disclosed his name.

6. The allegation is there, recovery/seizure is from the house of Sanjay Kumar as also near the river, he has no criminal antecedent, has remained in custody since 20.08.2024 (para-17 of the petition), this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge, Supaul, Court No.1 in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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