

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1931 of 2025

Arising Out of PS. Case No.-305 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

Bholu Thakur @ Abhishek Thakur Son of Sri Shiv Ji Thakur @ Shevaji Thakur Resident of Village - Mitralok Colony, Mishrawalia, Ward No. 12, P.O. - Pandey Patti, P.S. - Buxar Mufassil, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Buxar Mufassil P.S. Case No. 305 of 2024 instituted for the offences under Sections 30(A) of the Bihar Prohibition and Excise Amendment Act, 2018 and Section 25(1-B)A, 26 & 35 of the Arms Act.

3. As per prosecution case, the police has recovered 1.830 liters illicit liquor from the house of one Butani Devi. It is alleged that the police has also recovered one country-made pistol and two live cartridges.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case due to ulterior motive. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner has transpired in this case on the basis of the confessional statement of the apprehended co-accused. The petitioner has no concern with the seized liquor or the recovered arms. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has seven criminal antecedents and is languishing in judicial custody since 30.10.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Raj Kumar and Chadel Lal Kumar have been granted bail by this Court vide orders dated 26.10.2024 and 28.10.2024 passed in Cr. Misc. Nos. 77182 of 2024 and 77250 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after*



framing of charge if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar Mufassil P.S. Case No. 305 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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