

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4768 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- HARLAKHI District- Madhubani

1. ROHIT KUMAR THAKUR S/o Umesh Thakur R/o Village - Kurtha, Majaliya, P.S.- Mujeliya -14, District - Dhanusha (Nepal).
2. Rakesh Paswan S/o Sikandar Paswan R/o Village - Kurtha, Majaliya, P.S.- Mujeliya -14, District - Dhanusha (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioners seek bail in connection with
Harlakhi P.S. Case No. 325 of 2021 registered for the offence
under Sections 272, 273 and 34 of the IPC and Section 30(a) of
the Bihar Excise (Prohibition) Amendment Act, 2018.

The petitioners are named in the FIR and are in
custody since 14.12.2021.

The accusation against the petitioners are to have
involved in business of illicit liquor, wherein, recovery of total



145.15 litre of illicit foreign made liquor was made.

Learned counsel appearing on behalf of the petitioners submitted that recovery has not been made from the physical or conscious possession of the petitioners and the implication of the petitioner are merely on the ground of suspicion. He further submitted that the petitioners have no criminal antecedent and charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery has not been made from the conscious or physical possession of the petitioners.

Considering the facts and circumstances as mentioned above, recovery of alleged illicit liquor has not been made from the physical or conscious possession of the petitioners, let the petitioners, above named, are directed to be released on bail in connection with Harlakhi P.S. Case No. 325 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Madhubani subject to the following conditions:



“(i) Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners duly supported by the documents.

(ii) That one of the bailors shall be *Mama* (Maternal uncle) of the petitioner, namely, Indrajeet Kumar Thakur, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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