

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31184 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- KATRA District- Muzaffarpur

Sawan Thakur Son of laxmeshwar Thakur Resident of Village- yajuar, Police
Station- Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with Katra P.S.
Case No. 60 of 2021 registered for the offence under Sections
30(a) and 41(of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.01.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where 237.06 liters of
English wine was recovered from the hutment of co-accused,
namely, Lalu Thakur.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, where nothing incriminating surfaced/recovered, which may connect the petitioner, *prima facie*, with the alleged recovery of illicit liquor. It is submitted that recovery of illicit liquor was made from the hutment of one Lalu Thakur, with which petitioner is not connected in any manner. It is pointed out that petitioner is involved in twenty more criminal cases, where he has been acquitted in one case and is on bail in nine cases, where in most of the cases, name of the petitioner surfaced on the basis of confessional statement, due to local village politics as of present case. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said from the conscious physical possession of the petitioner coupled with the



fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Katra P.S. Case No. 60 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner 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 petitioner, duly supported by the documents.

(iii) That one of the bailors shall be



Ranju Devi, who is the mother of the petitioner and deponent of the present bail petition.

(iv) That if the petitioner tampers with the evidence or witnesses in any manner, in that event, the Trial Court shall be at liberty to cancel the bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

Ankit/-

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