

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51915 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- NIRMALI District- Supaul

1. Vinod Kumar Thakur @ Vinod Thakur S/O Narayan Thakur Resident of village- Majhari, Ward No- 6, P.S.- Nirmali, District- Supaul, presently residing at C.L. Gupta Export Limited, P.O.- Chodarpur, P.S.- Amroha, District- Moradabad, State- Uttar Pradesh .
2. Mala Thakur W/O Vinod Kumar Thakur @ Vinod Thakur resident of village- majhari, ward no- 6, p.s.- Nirmali, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-10-2022 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 Nirmali
P.S. Case No. 1 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 25.05.2022.

The allegation against the petitioners is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 3524.580 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that out of total recovery of 3524.580 litres only 1260 litres of illicit liquor was alleged to be recovered from the premises of petitioner which is given on rent to one Sri Kant Rai and as such the allegation is governed under Section 54(2) instead of Section 30(a) of the Bihar Prohibition and Excise Act, 2018 where, maximum punishment is of 2 years. It is also submitted that petitioners are men of clean antecedent and moreover, investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of these petitioners coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Nirmali P.S. Case No. 1 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Miscellaneous Special Judge, Excise Court No. 2,
Supaul/concerned Court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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