

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85677 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- MORO District- Darbhanga

Abhiram Thakur Son of Sri Ram Sudhar Thakur R/o Khaparpura, ward no. 17, P.s. - Moro, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Moro P.S. Case No. 70 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 165.780 litre foreign liquor was recovered from the house of co-accused Sumita Devi and petitioner alongwith other was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is next door neighbor of the co-accused Sumita Devi. He further submits that on the alleged date of occurrence, petitioner went to the house of the said co-accused to watch the final world cup match at her house. He has no knowledge



regarding the alleged liquor that has been kept in the house of the said co-accused. Petitioner is in custody since 20.11.2023 and bears criminal antecedent of two cases out of which in one case petitioner has got acquittal and in one case he is on bail. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, 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 Judge II (Excise Act), Darbhanga in connection with Moro P.S. Case No. 70 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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