

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.415 of 2024

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

1. SUBHITA DEVI W/O- LATE VINAY THAKUR R/O- VILLAGE- KHAPARPURA WARD NO.- 17, P.S.- MORO, DIST.- DARBHAGNA
2. KUNDAN KUMAR THAKUR S/O- LATE VINAY THAKUR R/O- VILLAGE- KHAPARPURA WARD NO.- 17, P.S.- MORO, DIST.- DARBHAGNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 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 (Amendment) Act ,2018.

3. As per prosecution case, there was alleged recovery of 165.780 litre foreign liquor from the house of petitioner no. 1 Subhita Devi and both petitioners apprehended alongwith others at the place of occurrence

4. Learned counsel for the petitioner submits that petitioner are in custody since 20.11.2023 and bear no criminal



antecedent. He further submits that alleged recovery was made from the joint house of the petitioners and petitioners have no concern with the alleged liquor. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are quite innocent and have falsely been implicated in the case.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, 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 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 local people or the person who has sworn the affidavit in bail application.

(ii) Petitioners 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 petitioners tamper 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)

vashudha/-

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