

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35595 of 2018

Arising Out of PS. Case No.-1104 Year-2017 Thana- SITAMARHI District- Sitamarhi

Lalu Rai @ Lalbabu Rai, son of Jagdish Rai, resident of village- Bhairokothi,
Ward No.1, P.S. and District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 28-06-2018 Heard Sri Ashok Kumar Jha, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, having clean antecedent, which fact has been stated in paragraph-3 of the petition, apprehending his arrest in Sitamarhi P.S. Case No. 1104 of 2017, registered for offence under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 37(b) (c) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail, in the event of his arrest or surrender

Learned counsel for the petitioner submits that in this case, nothing was recovered either from the conscious possession or premises of the petitioner. Only on the basis of confessional statement of co-accused, the petitioner has been arrayed as accused, as if, in drunken condition after seeing the



police two persons along with others fled away and, thereafter, from a bush, recovery of about 9 litres 600 ml. Nepali Soufi wine was shown to be recovered and petitioner has been made accused.

Considering the nature of accusation and clean antecedent of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner, namely, Lalu Rai @Lalbabu Rai be enlargd on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi P.S. Case No.1104 of 2017, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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