

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36476 of 2019

Arising Out of PS. Case No.-597 Year-2018 Thana- SHERGHATI District- Gaya

Lalji Sao @ Lalji Gupta (M) aged about 28 years Son of Late Binda Sao
Resident of Village - Kusha Bhui Toli, P.S.- Sherghati, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Prithivi Raj Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-06-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is in custody since 22.04.2019 in connection with Sherghati P.S. Case No. 597 of 2018 for the offences alleged under Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of 1920 Kg. of Mahua Flower. It is submitted that the petitioner has no concern with the goods recovered nor with the house where such recovery has been made. The seizure list does not contain the signature of any independent witness nor complies with the requirements of Section 100 of the Cr.P.C which creates considerable doubt about the veracity of the prosecution story. The petitioner has already suffered for about two months in custody. The petitioner claims clean antecedents.

4. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Sherghati P.S. Case



No. 597 of 2018, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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