

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7967 of 2020
Arising Out of PS. Case No.-342 Year-2019 Thana- BELAGANJ District- Gaya

LALU KUMAR @ LALU YADAV Son of Vilash Yadav Resident of Village - Jogiya
Simra, P.S.- Belaganj, District- Gaya Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar
For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-02-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Informant who is a police officer has alleged in his written complaint that on 23.09.2019, he received a confidential information that near the brick kiln of Bilash Yadav in an asbestos house constructed by Bilash Yadav, his son Lallu Yadav and nephew Deepu Yadav are indulged in sale of illicit liquor and upon receiving said information, he reached said place and found two miscreants who on seeing the police, fled away and on search, large quantity of illicit foreign liquor and two mobiles were recovered from said house.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to animosity and village rivalry. It has further been submitted that



the said house belongs to co-accused Deepu Yadav, who has already been granted anticipatory bail by a co-ordinate Bench of this Court as contained in Annexure 4 and Bilash Yadav has also been granted anticipatory bail by this Court as contained in Annexure 3. In the seizure list also, it has not been stated that alleged hut belongs to petitioner. Neither petitioner was arrested on the spot nor any illicit liquor has been recovered from his possession as such no offence under Excise Act is made out against him. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Belaganj P.S. Case No.342 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

