

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21008 of 2021**

Arising Out of PS. Case No.-73 Year-2020 Thana- MALI District- Aurangabad

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LALAN SINGH @ LALLAN SINGH, SON OF LATE RAMNAGINA SINGH, RESIDENT OF VILLAGE BARIYAWAN, P.S. MALI, DISTRICT- AURANGABAD

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Mali P.S. Case No. 73 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018

As per the prosecution story, the informant while on patrolling duty got secret information that huge consignment of illicit liquor is set to come at the house of the petitioner. The informant along with police party reached at the said place and on seeing the police party, the accused persons fled away leaving a Maruti Car and when the said car was searched, total 192 litres

illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that neither the car belongs to this petitioner nor any incriminating article has been recovered from his conscious possession. Learned counsel submits that the petitioner is in custody since 09.01.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the said Maruti Car from which allegedly the recovery of illicit liquor has been made does not belong to this petitioner, nothing has been recovered from his conscious possession, the petitioner is in custody in connection with this case since 09.01.2021, he has got one criminal antecedent in which he is said to be on bail, investigation against him is complete but the trial is not likely to take place in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Aurangabad in connection with Mali P.S. Case No. 73 of 2020 subject to the condition as laid

down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.