

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26818 of 2021

Arising Out of PS. Case No.-175 Year-2020 Thana- LALGANJ District- Vaishali

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Golu Singh @ Navin Kumar aged about 26 years, Son of Dip Narayan Singh
Singh @ Jit Narayan Singh Resident of Village - Rasulpur, P.S. - Lalganj,
District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-12-2021 Heard Mr. Shyameshwar Kumar Singh, learned
counsel for the petitioner and Md. Nazir Ansari, learned
Additional Public Prosecutor through video conferencing.

The petitioner who is in custody since 27.1.2021
seeks regular bail in connection with Lalganj P.S. Case No. 175
of 2020 dated 19.6.2020 for the offence punishable under
sections 30(a), 32(2) and 41(1) of Bihar Prohibition and Excise
Act, 2018.

The prosecution story in brief is that altogether
1104.12 along with 2328 liters of foreign liquor was recovered
from the truck.

Learned counsel for the petitioner submits that since
he is made accused for similar allegation for the offence



punishable under section 30(a) of the Bihar Prohibition and Excise Act in connection with Lalganj P.S. Case No. 150 of 2019, he has been roped in the present case. He further submits that at the time of alleged seizure, the petitioner was not present and nothing was recovered from his conscious and personal possession.

Learned counsel appearing on behalf of the State, however, opposed the prayer for bail of the petitioner on the ground that considering the antecedent of the petitioner, it appears that the petitioner was involved in the trade of illicit liquor as some of the case under section 30(a) of Bihar Prohibition and Excise Act is pending against him. He further submits that the petitioner may not be released on bail considering the rampant manufacturing and illegal sale of illicit liquor in the State of Bihar which cause death of innocent persons which have been seen in the recent past which attribute to the persons engaged in illegal sale of illicit liquor in the State of Bihar even after prohibition.

Considering the above mentioned facts and circumstances and submission of the parties, the court below is directed to verify that any other criminal case is pending against the petitioner and upon being satisfied, let the petitioner, named



above be released on bail on furnishing personal bond of Rs. 5,00,000/- (Five lakhs) with two sureties of the equal amount to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with Lalaganj P.S. Case No. 175 of 2020 subject to the 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 offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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