

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29583 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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LALBABU RAI S/O LATE DHARULAL RAI R/O VILLAGE HARPUR,
P.S. BHELDI, DISTRICT SARAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Excise C2A No. 200 of 2020 registered for the offences punishable under Sections 30(a), 32(1)(2), 41(1) of the Bihar Prohibition and Excise Act, 2016.

According to prosecution case, having got secret information the informant along with other officials stopped a truck and recovered 3894.12 litres Indian made foreign liquor. Petitioner was apprehended on the spot.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case by the police. In fact, petitioner was driver of the said truck from which liquor was recovered. Petitioner had no knowledge about the consignment carried by him. Learned counsel further submits that co-accused, Rajeev Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 15.06.2021 passed in Cr. Misc. No. 28269 of 2021. Petitioner is in custody since 29.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum Special Judge, Excise, Vaishali at Hajipur in connection with Excise C2A No. 200 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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