

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29441 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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LALBABU MANDAL Son of Late Nathuni Mandal Resident of Mohalla -
New Area, Sikandarpur, Ward no. -13, P.S. - Nagar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2 28-10-2021 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 Excise Case No.71/2021, P.R. No.93 dated

15.02.2021 registered for the offences punishable under Section

30(a) of the Bihar Prohibition and Excise Act, 2016. He is in

custody since 16.02.2021. The petitioner has got no criminal

antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story 43.080 liters of illicit liquor was recovered



in front of the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been made from the joint house property. It is submitted that the petitioner is in custody in connection with this case since 16.02.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein 43.080 liters of illicit liquor has been recovered in front of the house of the petitioner, petitioner has no criminal antecedent, he is in custody in connection with this case 16.02.2021, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Spl. Judge, Excise, Muzaffarpur in connection with Excise Case No.71/2021, P.R. No.93 dated 15.02.2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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.

(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'.

