

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33225 of 2021

Arising Out of PS. Case No.-120 Year-2019 Thana- FULKAHA District- Araria

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LALU KUMAR YADAV @ LALU YADAV Son of Samat Lal Yadav
Resident of Village- Achara, P.S.- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Fulkaha P.S. Case No. 120 of 2019 corresponding to Special Case No. 983 of 2019 registered for the offence under Sections 30(a) and 45 of the Bihar Prohibition and Excise Act.

Recovery is of 501 liters of Nepali wine.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from a Zylo vehicle having registration No. DL-14D-3591. Neither the petitioner happens to be driver of the seized vehicle nor he is owner of the said vehicle. Moreover, the co-accused, namely, Md. Nizam @ Nizam, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 15.06.2020 passed in Cr. Misc. No. 76282 of 2019. The petitioner is rotting in judicial custody since 25.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is having a series of antecedent other than this case. More particularly, most of the cases are of same nature, which is evident from paragraph -3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned 2nd Additional Sessions Judge -cum- Special Judge, Araria in connection with Fulkaha P.S. Case No. 120 of 2019



corresponding to Special Case No. 983 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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