

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37835 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- BHELDI District- Saran

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Lal Babu Ray @ Lal Babu Yadav Son of Sudarshan Prasad Rai @ Sudarshan Rai Resident of Village - Saidpur, P.S.- Dariyapur, District - Saran (Chapra).
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nalin Kumar
For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bheldi P.S. Case No. 162 of 2021, registered for the offence under Sections 413, 414 / 34 of the I.P.C. and Sections 30(a), 36, 41 of Bihar Prohibition and Excise Act.

4800 liters spirit has been recovered from a truck, in which, this petitioner was sitting and apprehended on the spot.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. Petitioner was neither owner nor driver of the said truck and he was simply a co-passenger. Petitioner has got clean antecedent and is in custody since 28.05.2021.

Learned A.P.P. for the State has opposed the bail petition.



Considering the aforesaid facts and circumstances as well as nature of allegation, period of custody and clean antecedent of the petitioner, the bail petition of petitioner is allowed. 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 Addl. District and Sessions Judge-cum-Special Judge, Excise, Saran in connection with Bheldi P.S. Case No. 162 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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.”

(Prabhat Kumar Singh, J.)

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