

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37795 of 2021**

Arising Out of PS. Case No.-235 Year-2020 Thana- SHYAMPUR BHATHA District-
Sheohar

=====

LAL BABU KUMAR @ LAL BABU RAI S/O SRI RAMESHWAR RAI R/O
VILLAGE-BHORHA, POLICE STATION-SHYAMPUR BHATAHA,
DISTRICT-SHEOHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 04-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Shyampur Bhataha P.S. Case No.235 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 436.32 liters of foreign liquor is said to have been recovered from the hut of one Kapal Rai. One Arvind Rai



and Kapal Rai were apprehended from the spot and disclosed the name of petitioner and others who have brought the said liquor there.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. The petitioner has a dispute with his neighbour, for which he has been implicated in this case in collusion with the police. Neither the petitioner was apprehended on the spot nor any incriminating article was recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor or the place of recovery. The said hut belongs to Kapal Rai. Petitioner has four criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 02.04.2021.

Petitioner is agreed to deposit a sum of Rupees 20,000.00/- (Rupees Twenty Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum Special Judge (Excise Act), Sheohar, in connection with Shyampur Bhataha P.S. Case No.235 of 2020, with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

