

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3017 of 2021**

Arising Out of PS. Case No.-169 Year-2020 Thana- PIYAR District- Muzaffarpur

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LALBABU RAI @ LALU RAI S/O LATE LALIT RAI R/O VILLAGE-  
HATHA, P.S.- PIAR (HATHA O.P.) DIST MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      15-03-2021                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

The petitioner seeks bail in Piar (Hatha OP) P.S. Case No. 169 of 2020, registered for the offence punishable punishable under Sections 272, 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On secret information raid was conducted and a car was intercepted. On search, 42.735 litres of Indian made foreign liquor has been recovered from the dickey of car and petitioner was apprehended on the spot.

It is submitted that no recovery has been made from conscious possession of this petitioner. Petitioner has been made accused in this case simply because he was traveling in the said car. Petitioner is neither owner nor driver of the vehicle in



question. Petitioner is in custody since 06.09.2020 and bears clean antecedent. Chargesheet has already been submitted.

Considering the fact that no recovery has been made from conscious possession and petitioner bears clean antecedent, the petitioner above-named, is directed to be enlarged 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 Special Judge Excise, Muzaffarpur in connection with Piar (Hatha OP) P.S. Case No. 169 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

**(Prabhat Kumar Singh, J)**

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