

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66097 of 2021

Arising Out of PS. Case No.-153 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Lalan Sah @ Lalan Saha, son of Jadolal Sah, Resident of Village - Adamvan
Ward No 1 Ps- Baiganiya District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and Mr.

Khurshid Anwar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with C2 Case No. 153 of 2021 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act.

Earlier the petitioner had moved this court in Cr.
Misc. No. 37990/2021 through another lawyer who prayed for
withdrawal of application unconditionally and accordingly this
Court dismissed the said petition as withdrawn.

Learned counsel for the petitioner submits that in fact
the earlier withdrawal was made for some reasons which may
not be relevant for purpose of considering the present
application. It is his submission that in any case the petitioner is



seeking his remedy in accordance with law hence the application is fit to be entertained.

Learned counsel further submits that in this case as per allegations the petitioner was apprehended while the co-accused allegedly fled away leaving altogether 72 liters of Nepali Soufi wine kept in two bags.

Learned counsel submits that the petitioner has been falsely implicated in this case, he has got no criminal antecedent and has remained in custody in connection with this case since 23.03.2021.

Mr. Khurshid Anwar, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, but considering that the petitioner has got no criminal antecedent and in connection with the present case he has remained in custody for over eight months, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi, in connection with C2 Case No. 153 of 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)

Rajeev/-

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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'.

