

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5251 of 2022

Arising Out of PS. Case No.-252 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Lal Babu Thakur Son of Late Chandradeo Thakur Resident of Village-
Dahibhatta, P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-06-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Umesh Kumar Singh, learned counsel for
the petitioner and Mr. Ashok Kumar Singh, learned Additional
Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Excise Case No. 252 of 2019, Tr. No.
3177 of 2021 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the
informant being Excise Inspector, Sadar Region, Gopalganj



raided the place in question and on search, 198.700 litres English wine was recovered from bush near under-constructed *bathan*. It is further alleged that on seeing the Police party, this petitioner fled away due to which suspicion has been raised against this petitioner and, later on, it transpired that the recovered wine belongs to him.

Learned counsel for the petitioner humbly submits that from the F.I.R., it is evident that the alleged recovery has been made from the bush and not from the under-constructed *bathan*. It is further submitted that the place from where recovery has been made does not belong to the petitioner in as much as he has no concern with the recovered wine. It is next submitted that only on account of village rivalry the name of the petitioner has been implicated in this case at the instance of his enemy. It has further been submitted that only because of the fact that he has been found involved in four other cases, his name has been implicated in this case also. It is lastly submitted that this petitioner is in custody since 06.09.2021, though the investigation is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that this petitioner has



criminal antecedent and he has been found indulged in some other similar kind of cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the recovery has been made from the bush, which is accessible to anyone and does not exclusively belongs to this petitioner, apart from that the petitioner is in custody since 06.09.2021, moreover, the investigation of the crime has already been completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II-cum-Special Judge Excise, Gopalganj in connection with Excise Case No. 252 of 2019, Tr. No. 3177 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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