

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8508 of 2022

Arising Out of PS. Case No.-378 Year-2019 Thana- RIVILGANJ District- Saran

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Lalbabu Ram Son Of Late Shivnath Ram R/O Village- Lala Tola, Sitab
Diyara, P.S.- Revilganj, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Ms. Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 30, 38 and 41 of the Bihar
Prohibition and Excise Act, 2018 in connection with Rivilganj
P.S. Case No. 378 of 2019.

Allegation against the petitioner is that recovery of
73.32 litres of illicit foreign liquor was made from the house of
co-accused, namely, Raj Kishore Manjhi with whom he was
associated with.

Accused/petitioner is named in the FIR and in custody
since 05.12.2021.

Learned counsel for the petitioner submits that
nothing has been recovered from the conscious possession of



the petitioner. He further submits that the name of the petitioner has surfaced on the basis of confessional statement of co-accused, who has been arrested on the spot. He further submits that the petitioner is involved in two more cases of similar nature.

Learned APP appearing on behalf of the State, while opposing the prayer for bail conceded that name of the petitioner surfaced on the basis of confessional statement of the co-accused and there is no recovery of alleged liquor from conscious possession of the petitioner.

Considering the facts and submissions as made above, as recovery has not made from the conscious possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Rivilganj P.S. Case No. 378 of 2019 on furnishing bail bound of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra, subject to the following condition:

(1) That the petitioner shall not be involved in the similar nature of case till conclusion of the trial and learned court below shall be at liberty to cancel the bail bond of the petitioner, if the involvement of the



petitioner shall be found in the similar nature of case.

*(2) That one of the bailors shall be the close
relative of the accused petitioner like father / mother /
daughter / son / sister / brother.*

(Chandra Shekhar Jha, J)

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