

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11927 of 2022**

Arising Out of PS. Case No.-448 Year-2021 Thana- BARAUNI District- Begusarai

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AASHWEEN LAKRA @ ASHWEEN LAKRA SON OF SEWASTIN
LAKRA @ SEWASTIEN LAKRA @ SEBIRTIAN LAKRA @ SEBTIAN
LAKRA R/O VILLAGE- DASHMA CHAUK, KUNDHARI, P.S.- DHURVA,
DISTRICT- RANCHI (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mrs.Rita Verma

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 08-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Barauni P.S. Case No. 448 of 2021 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, there is alleged recovery
of 76.5 litre IMFL from the vehicle in question besides other
articles and petitioner is alleged to be driver of said vehicle and
he was apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 26.10.2021 and bears criminal antecedent of two cases of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner has no knowledge of liquor as the alleged liquor was recovered from back seat of vehicle in question. Petitioner is innocent and he has falsely been implicated in this case only on the basis of suspicion. Seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Begusarai in connection with Barauni P.S. Case No. 448 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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