

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12504 of 2022**

Arising Out of PS. Case No.-264 Year-2021 Thana- BARURAJ District- Muzaffarpur

Laloo Kumar@Lal Babu Kumar Son of Dharmalal Bhagat Resident of
Village - Hathilwa, P.S.- Baruraj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Baruraj
P.S. Case No. 264 of 2021 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Sections
30(a) and 37(C) of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.12.2021.

The allegation against the petitioner is to involve in
illegal business of illicit country made liquor and have in
possession of 2 liters of country made liquor and 50 liters of
Jawa Mahua.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery is from an open field accessible to all, as it is appearing from the seizure list. It has further been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has further been submitted that compliance of Section 100 of Cr.P.C. was not made while preparing the seizure list and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has been made from an open field.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Baruraj P.S. Case No. 264 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court No.II, Muzaffarpur, subject to the following



conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Dharmmlal Bhagat, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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