

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36730 of 2021

Arising Out of PS. Case No.-278 Year-2019 Thana- MANER District- Patna

=====

Lallu Kumar @ Lallu Rai Son of Mallu Rai R/o Khaspur Chakiya Tola, P.S.-
Maner, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary
For the Opposite Party/s : Mr. Rajendra Nath Jha

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Special Case
No. 5242 of 2019, arising out of Maner P.S. Case No. 278 of
2019 registered for the offences punishable under Section 30(a)
of Bihar Prohibition and Excise Act.

According to prosecution case, as per informant, the
police got secret information that some persons was unloading
huge quantity of liquor from Tata Turbo vehicle, the informant
along with police officials proceeded towards the place of



occurrence and seized the vehicle and recovered 1323.360 liters of foreign liquor.

Learned counsel for the petitioner submits that petitioner has committed no offence and on the basis of secret information he has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that recovery has been made from the vehicle in question. The petitioner is not the owner of the vehicle in question. It has been submitted that the police after investigation submitted charge-sheet against the petitioner and another co-accused. He further submits that similarly situated, co-accused, namely, Laltu Rai has been granted bail by a co-ordinate Bench of this court vide order dated 13.5.2020 passed in Cr. Misc. No. 18125 of 2020 and the petitioner is in custody since 29.1.2021.

The learned Additional Public Prosecutor opposed the prayer of bail, submitting that petitioner carries one criminal antecedent though he is on bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, Excise Act, Patna, in connection with Special Case No. 5242 of 2019, arising out of Maner P.S. Case No. 278 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

Ravi/-

U		T	
---	--	---	--

