

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30393 of 2022**

Arising Out of PS. Case No.-36 Year-2022 Thana- BARAHAT District- Banka

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LALAN KUMAR @ SONU KUMAR SON OF BALKISHORE YADAV @
BALESHWAR YADAV RESIDENT OF VILLAGE- BAGRI, P.S.-
NAUGACHHIYA, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avinash Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rita Verma, APP

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

2 05-08-2022 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

Special Excise Case No. 155 of 2022 arising out of Barahat P.S.

Case No. 36 of 2022 registered for the offences punishable

under Sections 30(a) and 32(2) of the Bihar Prohibition and

Excise(Amendment) Act.

As per prosecution case, there is alleged recovery

of 205.56 litres foreign liquor from the Bolero in question. The

petitioner along with other co-accused was apprehended on the

spot.



Learned counsel for the petitioner submits that petitioner is in custody since 10.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing recovered from the conscious possession of the petitioner and he has falsely been implicated in this case.

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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 District Judge-II-cum-Special Judge, Excise, Banka in connection with Barahat P.S. Case No. 36 of 2022, 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 without appropriate permission, 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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