

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41200 of 2021**

Arising Out of PS. Case No.-140 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

LALLAN KUMAR Son of Bhagat Rai Resident of Village- Dipau, P.S.-
Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Anil Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

7 02-03-2022 Supplementary affidavit has been filed on behalf of
the petitioner bringing on record his criminal antecedent.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Kuchaikote
P.S. Case No. 140 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

There is recovery of 2684.250 litres of illicit foreign
liquor from a truck.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from truck in question. He further submits that in fact, petitioner is owner of the said truck. He further submits that co-accused Hashumuddin Ansari @ Hasmuddin Ansari has been granted bail by this court vide order dated 13.12.2021 passed in Cr. Misc. No. 42120 of 2021 and another co-accused Manager Yadav @ Mainekar Yadav has been granted bail by this court vide order dated 09.12.2021 passed in Cr. Misc. No. 38887 of 2021 and the petitioner is in custody since 05.04.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries six criminal antecedent.

Considering the aforesaid facts and circumstances, 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 2nd Additional Sessions Judge cum Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 140 of 2021, 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)

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