

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.43996 of 2021**

Arising Out of PS. Case No.-90 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Lakhindra Kumar S/O Umesh Ray R/O Village-Litiyahi, P.S-Raghopur,
District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Rajesh Kumar, learned APP for the State.

Petitioner in the present case is seeking regular bail in
connection with C2A No. 90 of 2021 registered for the offence
punishable under Sections 30(a), 32(i)(ii), 41(i) of the Bihar
Prohibition & Excise Act. He is accused in one more case and is
in custody since 26.03. 2021.

Learned counsel for the petitioner submits that as per
the prosecution story, the Excise officials got information
regarding transportation of illicit liquor by Mithlesh Rai and
Kanchan Kumar through a Santro Car bearing Registration No.



BR1W-2590. On getting this information, the informant involved in checking of vehicle where on seeing the checking of vehicle, the accused persons started fleeing after stopping the vehicle but on chase one person was caught who disclosed his name as Lakhindra Kumar and also disclosed the name of other persons involved in transportation of the liquor. The informant recovered 400 liters of country made liquor from the said Santro Car.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that the petitioner has no concern with the car and the liquor loaded on the said car. It is submitted that the petitioner was going through the way and Police has wrongly arrested him and he is in custody since 26.03.2021.

Learned counsel submits that investigation against him is complete and his appearance during trial may be secured.

Mr. Rajesh Kumar, learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the material and the submission that 400 liters of county made wine has been recovered from a car, the car does not belong to the petitioner and the petitioner has remained in custody since 26.03.2021, investigation against



him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Excise Court, Vaishali at Hajipur in connection with C2A No.90 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

