

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46053 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- MALI District- Aurangabad

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LALU YADAV Son of Sri Sardar Yadav Resident of Village - Lalgasra, P.S.-
Naudiha Bajar, Distt.- Palamau (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-02-2022 Heard Mr. Vyas Kumar Mishra, learned counsel for

the petitioner and Mr. Narsingh Tanti, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Mali
P.S. Case No. 35 of 2021 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per the First Information Report, the Police
intercepted one pick-up van and one Swift Desire and from the
pick up van which was being driven by the petitioner, a total
quantity of 1882 litres of illicit country made liquor was
recovered and from the Swift Desire, 152 litres of illicit country
made liquor has been recovered.

Learned counsel for the petitioner submits that the



petitioner has got no criminal antecedent and he has falsely been implicated in this case merely because the pick-up van was being driven by the petitioner. He further submits that the petitioner plies the vehicle on hire basis on the instruction of its owner and he was not aware about the illicit liquor being kept therein. He next submits that other co-accused i.e. driver of the Swift Desire has been granted bail by this Court in Cr. Misc. 43856/2021. The petitioner is in custody since 9.4.2021, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner has got no criminal antecedent, similarly situated co-accused person has been granted bail by this Court, the petitioner is in custody since 9.4.2021, charge sheet has already been submitted and the trial is not likely to be concluded in near future due to Covid-19 pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and



Sessions Judge-II cum Special Judge (Excise), Aurangabad, in connection with Mali P.S. Case No. 35 of 2021.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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