

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37235 of 2022**

Arising Out of PS. Case No.-870 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- East Champaran

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Lalan Kumar, S/O Bhagat Rai, Resident of Village- Dipau, P.S.- Kotwa,  
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar, Advocate  
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      05-08-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Excise Case No. 870 of 2019, registered for the alleged offences under Sections 30 (a), 36 and 41 (i) of the Bihar Prohibition and Excise Act.

Allegedly, 2214 liters of India made foreign liquor was recovered from a Tanker and the petitioner is stated to have fled away from the spot leaving the Tanker.

The learned counsel appearing on behalf of the



petitioner submits that the petitioner was not arrested from the spot. The petitioner has got no concern with the said Tanker as he is neither the driver nor the owner. Nothing incriminating has been recovered from his conscious possession. The petitioner has been named in this case merely on the basis of suspicion. The prosecution report has been submitted in this case and the petitioner is in custody since 30.10.2021.

Learned APP opposes the prayer for bail submitting that the petitioner has got criminal antecedent and is accused in two such cases.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been made from this petitioner and he has stated on oath that he is not the owner or driver of the Tanker and further considering the submission of prosecution report and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Motihari, East Champaran, in connection with Excise Case No. 870 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Ravi Ranjan Kumar, nephew of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

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