

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36828 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- MOKAMAH District- Patna

Lalan Kumar Son Of Brajesh Singh R/O Village- Barahpur Ward No.-1
Madhurapur Tola, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmod Kumar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Mokama P.S. Case No. 72 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the police received secret information about two liquor smugglers going towards Mokama ghat with cartons of liquor. On search being made, the vehicle was intercepted and co-accused Subhash Kumar was apprehended and the petitioner is said to have escaped from the



spot as disclosed by the apprehended co-accused. On search of the vehicle, total 103.500 liters of India made foreign liquor was recovered.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The name of the petitioner came in this case on the basis of confessional statement of co-accused Subhash Kumar and the co-accused has been granted bail by a Coordinate Bench vide order dated 02.09.2021 passed in Cr. Misc. No. 33383/2021. The petitioner is in custody since 15.05.2021 and he is accused in two other cases.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got criminal antecedent.

Having regard to the facts and circumstances and the submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the grant of bail to the co-accused who was apprehended from the spot, the petitioner above named 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 Special Judge Excise (Barh) in connection with Mokama P.S. Case No. 72 of 2021, 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 a close relative of the petitioner.
- (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)

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