

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41165 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- BACHHWARA District- Begusarai

=====

LALU YADAV @ LALU RAI Son of Nago Yadav @ Nageshwar Yadav @
Nageshwar Ray Resident of Village - Chamtha Laxman Tol, P.S.-
Bachchwara, Dist.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bachchwara P.S. Case No. 259/2022 registered for the offences
punishable under Sections 188, 120B of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 84.27 liters foreign liquor from the house of co-accused,
Anoj Kumar. The said apprehended co-accused disclosed that
he used to get said illicit liquor from present petitioner and
others. The petitioner was not apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to village politics. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 27.04.2022 and bears no criminal antecedent. Learned counsel for the petitioner further submits that the name of petitioner has transpired in this case on the interrogation of the co-accused, Anuj Kumar and the alleged liquor was recovered from the house of co-accused, Anuj Kumar.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-1st, Begusarai in connection with Bachchwara P.S. Case No. 259/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

