

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43567 of 2022

Arising Out of PS. Case No.-61 Year-2018 Thana- RAJAOLI District- Nawada

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Lalan Rajbanshi, S/o Binod Rajbanshi @ Vijay Rajbanshi, R/o village-
Jobkala, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Rajauli P.S. Case No. 61 of 2018 registered for
the alleged offences under Section 30 (a) of the Bihar
Prohibition and Excise Act.

Allegedly, 40 liters of country made *Mahua* liquor has
been recovered from a motorcycle. The person who was riding
the motorcycle managed to escape. The petitioner is stated to be
the owner of the motorcycle.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. Neither the vehicle nor the recovered liquor belongs to this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 22.03.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from him and also considering the submission of charge sheet 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-2, Nawada, in connection with Rajauli P.S. Case No. 61 of 2018, 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)

V.K.Pandey/-

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