

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51009 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- LALGANJ District- Vaishali

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Golu Kumar @ Shailesh Kumar @ Shushil Kumar, S/o Shankar Singh,
Resident of Village- Kushde, P.s.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Lalganj P.S. Case No. 75 of 2022 registered for
the alleged offences under Sections 414, 467, 468 and 471 of the
Indian Penal Code and Sections 30(a) and 41(i) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information about the petitioner and other co-accused persons
getting unloaded a consignment of illicit liquor from a truck. A
raid was conducted and the accused persons fled away from the
spot. Recovery of 540 litres of India made foreign liquor was



made from the said truck and from a magic van, recovery of 297 litres of India made foreign liquor was made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been made accused in this case merely on suspicion. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the vehicles in question from which the alleged recovery has been shown or the allegedly seized articles. There is no specific allegation against this petitioner for his role in the whole occurrence. The petitioner is in custody since 10.07.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions 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 clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, 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 Exclusive Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 75 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

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

(iii) 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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