

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67773 of 2021

Arising Out of PS. Case No.-238 Year-2021 Thana- LALGANJ District- Vaishali

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Babi Kumar @ Babby Kumar, S/o Rajendra Paswan, R/o Village- Hela Bazar
Anderkila ,Ward No.11, P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rina Sinha, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Lalganj
P.S. Case No.238 of 2021 registered for the offence punishable
under Section 414 of the I.P.C. and Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

There is alleged recovery of 360 litres spirit from a
Tata Magic vehicle and two persons have been arrested.
Petitioner happens to be one of them.

Petitioner's counsel submits that the petitioner has no
antecedents.Co-accused Nashim @ Md. Nasim has been granted
bail in Cr.Misc. No.66945 of 2021. Petitioner having no
antecedents is in custody since 06.07.2021. He was merely
driving the vehicle oblivious of the contents of the contraband



and has become a victim of the circumstances.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner was carrying the illicit liquor in the vehicle in question.

Considering the rival submissions, period of custody, clean antecedents as also the fact that the investigation has already been completed, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with Lalganj P.S. Case No.238 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if



he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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