

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69361 of 2021**

Arising Out of PS. Case No.-422 Year-2021 Thana- BUXAR District- Buxar

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LALA SHAH @ LALA SAH S/o Mustakim Shah @ Mustkim Shah R/o
Village- Koirpurwa, Ward No.28, Buxar, P.S.- Buxar (T), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv

For the Opposite Party/s : Mr.A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Buxar (T) P.S.Case No.422 of 2021, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 129.600 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from one Tempo in question and the



petitioner has been implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is a Driver of the Tempo in question so the police has falsely implicated the petitioner in the present case. He further submits that the police, after investigation, submitted chargesheet against the petitioner on 24.10.2021 and the petitioner is in custody since 15.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 learned Special Judge, Excise, Buxar in connection with Buxar (T) P.S. Case No.422 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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