

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.234 of 2022

Arising Out of PS. Case No.-6 Year-2021 Thana- JAYRAMPUR District- Sheikhpura

Lal Mohan @ Anand Mohan Son of Balmukund Singh Resident of Village -
Sobhanpur, Police Station - Jayrampur in the district of Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of total 3752.64 liters of foreign liquor from the truck.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the



petitioner, rather the recovery has been made from the Truck and motorcycle in question. He further submits that petitioner was not arrested on the spot and the truck and motorcycle does not belongs to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Santosh Singh has been granted bail by this Court vide order dated 10.12.2021 passed in Cr. Misc. No. 44894 of 2021, another co-accused namely, Piyush Kumar has been granted bail by this Court vide order dated 21.04.2022 passed in Cr. Misc. No. 62997 of 2021. The petitioner is in custody since 01.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Excise Case No. 115 of 2021 (arising out of Jairampur P.S. Case No. 06 of



2021), subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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