

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1394 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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LAKSHMI ROY Son of Ram Niwas Roy @ Ram Bilas Roy Resident of
Village - Nikasi, P.S.- Kamtaul, Distt.- Darbhanga - 847306.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur
For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2022 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.

Recovery is of total 270 liters of liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of suspicion. He further submits that
nothing has been recovered from the conscious possession of



the petitioner, rather the recovery has been made from the vehicle in question. He further submits that in fact petitioner is the driver and he has no knowledge about the liquor. He further submits that there is no compliance of Section 100 Cr.P.C. and police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent 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 P.R. No. 12 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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