

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18795 of 2023

Arising Out of PS. Case No.-324 Year-2022 Thana- BALIYA District- Begusarai

1. Lalan Kumar Singh@ Lalan Prasad Singh S/O Late Chanardev Prasad Singh
R/V- Sadanandpur, Ward No. 04, P.S.- Bala, District- Begusarai
2. Bujal Kumar Singh @ Umashankar Singh S/O Late Chanardev Prasad Singh
R/V- Sadanandpur, Ward No. 04, P.S.- Bala, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-07-2023 This case has been listed under the heading ‘To Be
Mentioned’ at the instance of learned counsel for the petitioners.

Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners apprehend their arrest in Balia P.S.
Case No. 324 of 2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act 2018, pending in the Court of learned
Exclusive Special Excise Court No. 2, Begusarai.

Learned counsel for the petitioners seeks permission
to withdraw this application with regard to petitioner no. 2
submitting that during pendency of this application the



petitioner no. 2 has already been apprehended by the police.

Permission is granted.

Accordingly, this application with regard to petitioner no. 2 is dismissed as withdrawn.

Now, this application is being heard only with regard to petitioner no. 1.

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

Defect(s) as pointed out by the Office is ignored.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 30 liters of country made liquor is said to have recovered from the place of occurrence. He submits that the police has disclosed the name of the petitioner on the basis of secret information, but he has not disclosed that how he has got secret information. He further submits that the illicit liquor has neither recovered from the possession of the petitioner nor from his house or from his field.



He also submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Balia P.S. Case No.324 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to



inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

anand/-

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