

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23778 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- BIHTA District- Patna

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Lalu Rai @ Lalu Kumar Rai Son of Police Rai @ Pulis Ray R/V- Lala Ke
Tola, P.o- Neknam Tola, PS- Barhara, Dis- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s	:	Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 12-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Special
Excise Case No. 53 of 2023 arising out of Bihta P.S. Case No.
21 of 2023 dated 07.01.2023 registered for the offences
punishable under Sections 420, 467, 468, 471 and 120(B) of
Indian Penal Code and Sections 30(a), 32(1)(2) and 41 of Bihar
Prohibition and Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the instant matter relates to the recovery of
2660.025 litres of foreign liquor and the same is stated to have
been recovered from a truck and as per allegation the petitioner
was found being seated as a driver in the said vehicle at the time

of recovery, but in actual the petitioner, who runs a garage was requested by one namely, Subhash Kumar to take the alleged truck to Saguna More, Patna and he offered to give Rs. 15,000/- (Fifteen thousand), in lieu of the said service and petitioner had no knowledge about loaded liquor and he bonafidely took the truck and in the meantime the said truck was intercepted by the police and thereafter the alleged liquor being loaded in the said truck came into his knowledge, but infact he was bonafidely driving the said truck being a driver and in respect of these facts the FIR itself is revealing the said facts. Further submissions are that the petitioner is a young person and has been languishing in jail since 08.01.2023 and he has fair and clean antecedent against him the investigation has been completed.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent, his custody period, his young age and the completion of investigation against him as well as the above defence taken by him, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount

each to the satisfaction of concerned Court in connection with
Bihta P.S. Case No. 21 of 2023.

(Shailendra Singh, J)

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