

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47976 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- SAKRI District- Madhubani

Lalan Singh Son of Late Ramchandra Singh Resident of village - Nawada,
P.S. - Sakri, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Miss Kusum Rani, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 13.05.2023, in connection with Sakri P.S. Case No. 89 of 2023, G.R. No. 752 of 2023 F.I.R. dated 12.05.2023 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 09 litres of *Nepali* country made (Soufi) *liquor*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. She 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 recovery has been made from the Scooty in question. She further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the Scooty in question and in fact the petitioner was standing near the occurrence and merely on the basis of suspicion, the petitioner has been implicated in the present false and fabricated case. The petitioner is in custody since 13.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four cases other than the present one but fairly submits that the petitioner is on bail in all the cases as informed by learned counsel for the petitioner.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-II- cum Special Judge, Excise Act, Madhubani in connection with Sakri P.S. Case No. 89 of 2023, G.R. No. 752 of 2023, 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 witness, 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 antecedents, 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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