

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47968 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- PALANWA District- East Champaran

=====

Lalbabu Yadav @ Lalbabu Rai Son Of Jaylal Rai @ Jaylal Yadav Vill
Jaymanglapur (VILASPUR), P.S- Palanwa (BHELAHI O.P.), Dist- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh,Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
02.03.2023 in connection with Palanwa P.S. Case No. 37 of
2023, F.I.R. dated 02.03.2023 registered for the offence
punishable under Sections 30(a) , 41(i) of Bihar Prohibition
and Excise Act, 2016.

3. Recovery is of 126 liters of Nepali liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from bare perusal of the FIR as well as the seizure list that
altogether 126 liters of Nepali liquor has been recovered from



the place of occurrence and the petitioner was apprehended alongwith the liquor in question and other co-accused persons were also accompanied with the petitioner have escaped from the place of occurrence and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.03.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, 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 learned Exclusive Special Excise Court No.2, East Champaran, Motihari in connection with Palanwa P.S. Case No. 37 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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)

Nitesh/-

U		T	
---	--	---	--

