

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52971 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- BISFI (PATAUNA) District- Madhubani

Lalu Sah S/O Bilat Sah R/O Village- Ethar, P.S- Bisfi (PATAUNA O.P.),
Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 16.06.2023 in connection with Bisfi (Patauna O.P.) P.S. Case No. 191 of 2023, G.R. No.817 of 2023, F.I.R. dated 24.05.2023 for the offences punishable under Section 272, 273, 420, 467, 468, 471, 120(B) of the Indian Penal Code and Sections 30(a), 36, 38(i), 41(i) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of total 1523.880 liters of illicit liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the



conscious possession or the house of the petitioner rather the recovery has been made from the vehicle in question and petitioner was not apprehended at the spot. He further submits that the name of the petitioner has been transpired on the basis of secret informant and except the secret information, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 16.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries four criminal antecedents other than the present one, but fairly submits that petitioner is on bail in all the cases as stated in in para-3 of the bail petition.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of secret information and petitioner was not apprehended at the spot, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Bisfi (Patauna O.P.) P.S. Case No. 191 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 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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