

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57764 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- RAGHOPUR District- Supaul

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Lalan Yadav @ Lalan Kumar Yadav Son of Vishwanath Yadav Resident of
Village - Thalha, Ward No.- 09, P.S.- Raghopur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a), 38(i) and 41(i) of the
Bihar Prohibition and Excise (Amendment) Act (2018).

Recovery is of 1973.72 litres of illicit liquor.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the recovery has been made from vehicle in
question and not from petitioner's possession. He further
submits that the name of the petitioner has been transpired on
the basis of the confessional statement of the co-accused person,
namely, Nikhil Kumar Singh. He further submits that the
petitioner has no concern at all with the alleged recovery of the



illicit liquor or the vehicle in question. He further submits that the co-accused person, namely, Mukesh Kumar Shah has been granted bail by this Hon'ble Court vide order dated 20.05.2020 passed in Cr. Misc. No. 24139 of 2022. He further submits that the petitioner is in custody since 18.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of the confessional statement, 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 Court below where the case is pending in connection with Raghopur P.S. Case No. 87 of 2022, with 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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