

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58469 of 2022**

Arising Out of PS. Case No.-472 Year-2022 Thana- AURANGABAD TOWN District-  
Aurangabad

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Lalu Kumar aged about 25 years, S/o Upendra Rai, R/o- Village Isopur, P.S.-  
Lalganj, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance:**

For the Petitioner : Mr. Rajeev Ranjan, Advocate  
For the Opposite Party : Mr. Abhay Kumar Roy, 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  
A.P.P. for the State.

Petitioner seeks bail in a case registered for the offences  
punishable under Sections 420, 467, 471, 120B of the Indian  
Penal Code and Section 30(a), 32(ii), (iii) 41(i) of the Bihar  
Prohibition and Excise Act.

Recovery is of 720 liters of foreign liquor.

Learned counsel for the petitioner submits that the  
petitioner is innocent and 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  
conscious possession. He further submits that the petitioner has  
no concern at all with the alleged recovery of the illicit liquor.



He further submits that the co-accused person, namely, Tinku Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 16.09.2022 passed in Cr. Misc. No. 54899 of 2022. He further submits that the petitioner is in custody since 01.08.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedents other than the present one.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious 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 Court below where the case is pending in connection with Aurangabad Nagar P.S. Case No. 472 of 2022, (G.R. No. 834 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)**

Shahnawaz/-

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