

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68121 of 2023

Arising Out of PS. Case No.-548 Year-2023 Thana- GARDANIBAG District- Patna

=====

LALAN YADAV @ GORELAL @ GORELAL YADAV S/O RAJ KUMAR
YADAV R/O TALAIPAR 17 NO. SOHSARAI, P.S- SOHSARAI, DISTT.-
NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Adv

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gardanibagh P.S. Case No. 548 of 2023 registered on
27.04.2023 lodged under Sections 30(a), 32(2)(3), 36, 41(i)(ii) of
the Bihar Prohibition and Excise Act (Amendment), 2018.

3. As per the prosecution case, F.I.R. has been lodged
against more than seven named and unnamed accused persons.
The total recovery is of 599.163 litre of illicit liquor is the
subject matter of this case.

4. Counsel for the petitioner submits that the said
recovery has been made in a vehicle. Counsel further submits
that petitioner is the driver of the said vehicle. Counsel submits



that petitioner is totally unaware that illegal material has been loaded in the truck and he has drove the truck only by virtue of instruction made by the owner of the truck. Counsel submits that there is violation of Section 100 of Cr.P.C. is seizing of the material.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 28.07.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that recovery has been made from the petitioner's possession as he himself was driving the truck.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (Excise), Patna in connection with Gardanibagh P.S. Case No. 548 of 2023 in Special Case No. (Excise) 5930 of 2023 subject to the following conditions as well as the condition laid down under section 437(3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. The trial Court is directed to release the petitioner only after framing of charge.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Sunnykr/-

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

