

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8344 of 2023

Arising Out of PS. Case No.-470 Year-2021 Thana- AKBARPUR District- Nawada

Lalan Rajbanshi Son of Vijay Rajbanshi R/o Village- Jobkala, P.S.- Rajauli In
The District of Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.03.2022 in connection with Akbarpur P.S. Case No. 470 of
2021, F.I.R. dated 19.07.2021 for the offences punishable under
Section 413 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

Recovery is of total 520 liters country made liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner was not
apprehended at the spot and nothing has been recovered from
the conscious possession of the petitioner and the name of the
petitioner has been transpired on the basis of disclosure made by



the co-accused persons namely, Deepu Kumar, Pawan Kumar and Rishiraj @ Bittu. He further submits that except the disclosure made by the co-accused persons namely, Deepu Kumar, Pawan Kumar and Rishiraj @ Bittu no other cogent material has come during investigation to suggest the involvement of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries twelve criminal antecedents other than the present one and out of twelve cases petitioner is on bail in eleven cases.

Considering the aforesaid facts and circumstances, 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 the learned Exclusive Special Excise Judge-1st, Nawada in connection with Akbarpur P.S. Case No. 470 of 2021, 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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