

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19343 of 2024

Arising Out of PS. Case No.-639 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Lalbabu Giri @Lalu Giri Son Of Pundeo Giri @Ramdev Giri Vill-
Madhubanii Ghat, P.S.- Muffasil, Dist-East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Motihari Muffasil P.S.
Case No. 639 of 2021, instituted for the offences punishable
under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 30 liters
liquor was recovered from the bank of river.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. No
incriminating material has been recovered from the conscious
possession of the petitioner. The petitioner has got no concern
with the alleged recovery of liquor. It is further submitted that



the seized articles were found from the bank of river which is an open place. The petitioner is in custody since 03.01.2024 and has got five criminal antecedents in which the petitioner is on bail in four cases. Learned counsel for the petitioner further submits that similarly situated co-accused has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 18.08.2022 passed in Cr. Misc. No. 34654 of 2022. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Motihari Muffasil P.S. Case No. 639 of 2021, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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