

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31949 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- BARAUNI District- Begusarai

=====

Lalan Kumar Nishad @ Lalan Nishad Son of Lakshman Nishad Resident of
Village- near Shiv Mandir, Bhalgora Project No.-5, Bhalgori, P.S.- Jharia,
Borragarh O.P., Dist.- Dhanbad, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :
For the Petitioner/s : Mr. Jitendra Sinha, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

=====

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

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Barauni P.S. Case No.
120 of 2024, instituted for the offences punishable under
Sections 30(a), 32(2), 32(3), 36 and 41 of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that, 3852 liters
liquor was recovered from truck and the petitioner was
apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and 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 petitioner is driver of the seized vehicle and he has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 15.03.2024 and has got no criminal antecedent. 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 Barauni P.S. Case No. 120 of 2024, 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/-

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

