

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40209 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- KASBA District- Purnia

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LALU KUMAR SON OF BHUSHAN CHAUHAN RESIDENT OF BAD-
HUA KOLA, P.S. - AMOUR, DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.

For the Opposite Party/s : Mr.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kasba P.S. Case No. 271 of 2023 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code read with sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged recovery of 36.960 litre foreign liquor from the Hyundai Santro car. The name of the petitioner has surfaced in this case on disclosure made by co-accused persons.

4. Learned counsel for the petitioner submits that petitioner is neither the owner nor the driver of the vehicle which were seized at the place of occurrence. Petitioner has

been falsely implicated in this case. Petitioner was not apprehended on the spot. Petitioner has been made accused in this case only on basis of the disclosure made by co-accused persons. Petitioner has got no concern either with the alleged vehicle or with the alleged recovery of illicit liquor . Petitioner is having criminal antecedent of three cases. Petitioner is in custody since 18.03.2024. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that co-accused Nakul Chauhan @ Nakul Kumar, who was the driver of the vehicle in question, has been granted bail by this Court vide order dated 30.01.2024 passed in Cr. Misc. No. 1900 of 2024 and the case of the petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and the fact that similarly situated co-accused has been granted bail by this Court, let the petitioner above named be released on bail

on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Excise-I, Purnea in connection with Kasba P.S. Case No. 271 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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