

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68100 of 2024

Arising Out of PS. Case No.-543 Year-2023 Thana- BARHARA District- Bhojpur

Lal Das Rai, Male, aged about 30 years, Son of Nath Narayan Rai @
Nathnarayan Roy, Resident of Village - Bara (Basantpur), P.S. - Ara Maffasil,
District – Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Shweta, Advocate

For the Opposite Party : Mr. Pranav Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Barahara P.S. Case No. 543 of 2023 dated 07.09.2023 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 60 litres of
country made liquor was recovered from the motorcycle in
question.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. It is submitted that no incriminating article has been
recovered from the possession of the petitioner. He was not



apprehended on the spot. He has no concern with the alleged offence. His name has come in the present case only on the basis of the disclosure made by the local Chaukidar, Birendra Prasad. The petitioner is neither the owner of the seized motorcycle nor he has any concern with the alleged seized liquor. There is no statutory compliance of Section 100 of the Cr.P.C. The petitioner has six criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 15.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-Ist, Bhojpur, Ara in connection with Barahara P.S. Case No. 543 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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