

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79354 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Lalan Singh @ Lalan Kumar Singh Son of Mahendra Prasad Singh @
Mahendra Singh R/O Village- Rariauna, Ward No. 11, Gamharia, P.S.-
Naokothi (Nowkothi), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has

been filed by the petitioner apprehending his arrest in a case

instituted for the offence punishable under Section 30(a) of

Bihar Prohibition & Excise Act.

3. Prosecution case relates to recovery of 22.5 litres

Indian Made Foreign Liquor from an orchard. Petitioner was

alleged to fled from the place of recovery.

4. Learned counsel appearing on behalf of the

petitioner has submitted that petitioner is innocent and has

committed no offence. He has no concern with the alleged



recovery or with the place of occurrence. The name of petitioner sprang up in this case on the disclosure of local Chowkidar as a person who fled away from the place of seizure. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

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

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Naokothi (Nowkothi) P.S. Case no. 154 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge I, Begusarai, subject to the conditions as laid down under section 438(2) of the



Cr.P.C., with following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

Nirajkrs/-

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