

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82172 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- JITNA District- East Champaran

Lalbabu Thakur S/o Lakhn Thakur R/o Village-Agarwa , P.S-Jitna , District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard Mr. Vijay Shankar Shrivastava, learned
counsel for the petitioner and Mr. Jitendra Kumar Singh, learned
APP for the State.

2. The petitioner is in custody in connection with Jitna
P.S. Case No. 12 of 2024 for the offence punishable under
sections 30(a) of the Bihar Prohibition and Excise Act lodged on
15.09.2024.

3. As per the prosecution story, the informant alleged
that during patrolling, he found a person coming on cycle with a
bag on it and upon interception, there is recovery/seizure of 390
liters of Nepali Kasturi wine which led to the FIR/arrest.

4. Learned counsel for the petitioner submits that only
because of his criminal antecedent, he has been implicated.
Nothing has been recovered from his conscious possession, is a



passer-by, the presence of bag in the cycle has been assigned to him for which he has already remained in custody since 16.09.2024 (paragraph-4 of the petition).

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forwarded by the parties as also the fact that he is in custody since 16.09.2024, FIR lodged and he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special, Excise Court No. 3, Civil Court, East Champaran, Motihari in connection with Jitna P.S. Case No. 12 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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