

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20001 of 2025

Arising Out of PS. Case No.-211 Year-2021 Thana- MADHUBAN District- East Champaran

Tarsem Lal @ Thakur Jee S/o Late Harbans Lal Resident of Jhiriwala, P.S-
Nalagarh, Distt.- Solan, State - Himachal Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2025 Heard Mr. Kundan Rathore, learned counsel for the

petitioner and Mr. Ram Priya Sharan, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No. 211 of 2021, F.I.R. dated 11.07.2021 for the offences punishable under Sections 272, 273, 120(B), 420, 467, 468 and 471 of the Indian Penal Code and 30(a), 32, 36 and 41(1) of the Bihar Prohibition and Excise Amendment Act, 2016.

3. According to prosecution case, there is recovery of 881.26 litres of English liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner is neither the owner nor he is the driver of the vehicle in question. The name of the petitioner has been transpired on the basis of the confessional statement made by the co-accused person, namely, Arun Gupta and except the aforesaid no other cogent material has come during the course of the investigation, which suggests the involvement of the petitioner in the present occurrence. The petitioner is a resident of Himachal Pradesh and he has no concern with the alleged recovery of the liquor or the vehicle in question.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner has a clean antecedent and he has been made accused only on the basis of the confessional statement made by the co-accused person, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-3, Motihari, East Champaran in connection with Madhuban P.S. Case No. 211 of 2021, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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

