

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33997 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- NTPC KHAIRA District- Aurangabad

Lalbabu Chauhan Son of Dashrath Chauhan village- Mahuwari, Ps-
Nabinagar, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Perusal of the first information report and the seizure list, would go to show that total 15 liters of country made liquor is said to have been recovered from the bank of Sone river. One Pankaj Kumar was arrested on the spot.

4. It is submitted by learned counsel for the petitioner that the name of the petitioner has surfaced in this case on the confessional statement of apprehended co-accused, Pankaj Kumar, who named the petitioner as one of his fleeing accomplice, which has no evidentiary value in the eyes of law.



There is no recovery from the conscious or physical possession of the petitioner. The place of recovery is an open place and easily accessible to anyone, hence no liability can be fixed on the petitioner. There is violation of the mandatory provisions of the search and seizure as there is no independent witness to the seizure list. Petitioner has been languishing in custody since 04.04.2025.

5. Learned APP for the State opposes the prayer for bail on the ground that the petitioner has three criminal antecedents of similar nature of the offence. In response to this, learned counsel for the petitioner submits that the petitioner is on bail in all the cases.

6. Taking into consideration the fact and circumstances of the case, the above named petitioner is directed to 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 the learned Court below where the case is pending/successor Court in connection with N.T.P.C. Khaira P.S. Case No. 16 of 2025, subject to the condition that:

(i) The petitioner shall cooperate in the investigation/trial.



(ii) The one of the bailors will be a family member/close relative.

(iii) The court below shall verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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