

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65142 of 2021**

Arising Out of PS. Case No.-321 Year-2021 Thana- CHAPRA TOWN District- Saran

LALLU KUMAR @ LALU KUMAR Son of Late Raghubir Prasad Resident of Mohalla - Aryanagar, Kataharibagh, Chapra, P.S.- Chapra Nagar, District - Saran- 841301.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr Ashok Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioner seeks bail in Chapra Nagar Police Station (for brevity, PS) Case No 321 of 2021 registered for the offence punishable under Sections 30 (a), 41 (i) (ii) of Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 200 liters of illicit liquor concealed in the tempo which the petitioner was driving.

Petitioner's counsel submits that the petitioner was lending his professional service as a driver and was not in knowledge of the illicit liquor concealed. In fact, he has become victim of the circumstance and having no criminal



antecedent, he has remained in custody now since 19.06.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, fair antecedent and the fact that investigation is complete, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Saran in Chapra Nagar PS Case No 321 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today



for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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