

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3249 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- DARAUNDA District- Siwan

KESHAV RAY @ KESHAV KUMAR RAY Son of Yamuna Ray Resident of
Village - Rasulpur Takipur, P.S.- Daraunda, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP
Mr.Arbind Kumar Pande

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Ajay Kumar Tiwary, the learned counsel appearing for the petitioner and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Daraunda P.S. Case No. 265 of 2019 for the offence punishable under Section 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The allegation of the prosecution is regarding recovery of 141.84 liters of illicit foreign liquor from the open space situated at the back of the house of the petitioner and from



the dickey of the motorcycle.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor from inside the premises of his house, hence, no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016. It is further submitted that the petitioner is having a clean antecedent and is languishing in custody since 30.11.2019.

Per contra, the learned APP appearing for the State has submitted that the petitioner is named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since 30.11.2019, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge (Excise), Siwan in connection with Daraunda P.S. Case No. 265 of 2019.



It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge (Excise), Siwan in connection with Daraunda P.S. Case No. 265 of 2019.

The bail petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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