

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous Case No.3857 of 2020

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Deepak Singh, aged about 28 years (male), son of Rameshwar Singh @ Bijuli Singh, resident of village- Majhariya, P.S. Buxar (Industrial) District- Buxar

..... Petitioner

Versus

The State of Bihar

..... Opposite party

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Appearance

For the Petitioner : Mr. Satyapal Singh, Advocate

For the State : Dr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 12.05.2020 Heard learned counsel for the petitioner and learned A.P.P for the State, through video conferencing.

The petitioner has filed the instant application for grant of bail in connection with Nawanagar P.S. Case no.213 of 2019 registered for offence under sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., on receiving confidential information of illegal wine being carried in a truck bearing registration number of Punjab, the informant and other police personnel conducted the raid and it is stated that a total of 7413 litres approx of IMFL was recovered from the said truck. It is further stated that besides the owner of the truck, it's driver and khalasi, owner of a motorcycle and on secret information, other persons including this petitioner were made accused.

It is submitted by learned counsel for the petitioner that the petitioner is not the owner of the truck, no recovery has taken place from his possession and he has been falsely implicated at the instance of his enemies in the village. He is in custody since 26.10.2019.

The application for bail is opposed by learned A.P.P. for the State who submits that large quantity of liquor has been recovered in the instant case, the petitioner is named in the F.I.R and two cases from before are pending against him under the Bihar Prohibition and Excise Act.

Having heard learned counsels for the parties and taking into account that the petitioner is not owner of the vehicle from which the recovery is said to have taken place, no incriminating article has been recovered from the possession of the petitioner and he is in custody since 26.10.2019 ie for over six months, this Court is inclined to enlarge the petitioner on bail.

Accordingly, the petitioner is directed to be enlarged on bail in connection with Nawanagar P.S. Case no.213 of 2019 on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge IInd - cum - Special Judge (Excise), Buxar.

(Partha Sarthy, J)

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