

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12653 of 2020

Arising Out of PS. Case No.-13 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Mahindra Singh, Son of Late Puran Singh, Resident of Village - Pilakhani,
P.S.- Rajpura, Distt - Patiyala, Punjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Bela Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Gopalganj Excise Case No.13 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



The prosecution case is based on the recovery of foreign liquor from the truck in question totalling 6215.400 litres. The petitioner was allegedly the Assistant of the Driver, and Helper.

It is submitted by the petitioner's Counsel that from the F.I.R., which is instituted by the Inspector (Excise), it is apparent that the Driver of the vehicle in question, got down from the truck at the check-post asking his Assistant (the petitioner) to move the vehicle forward and fled away leaving the petitioner, who had no knowledge about the contents in the vehicle, to be implicated in this case. The manner in which the petitioner has been implicated and arrested is clearly suggestive of the *bona fides* of the petitioner. Had the petitioner any knowledge of the illicit liquor, he would not have agreed to move the vehicle forward at the check-post. The petitioner is said to have no criminal antecedents and he is in custody since 12.01.2020. The false implication of the petitioner cannot be ruled out in the circumstances.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.



Accordingly, let the petitioner, above named, 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 Additional Sessions Judge-II-Cum-Special Judge, Excise, Gopalganj, in connection with Gopalganj Excise Case No.13 of 2020, 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.

(Madhuresh Prasad, J)

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