

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18272 of 2020

Arising Out of PS. Case No.-419 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

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TARSEN SINGH @ TARSEM SINGH S/o Shri Ram Singh R/o Takhtu Chak,
P.S.- Garhwal, District- Taranpal, Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar

For the Opposite Party/s : Mrs. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-05-2020 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 the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Kuchaikote P.S. Case No. 419 of 2019 for the offence punishable under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck and the petitioner, who was driving the said truck was arrested from the spot.

It is the submission of the petitioner in the bail petition that he is innocent, has been falsely implicated in the



present case and it is apparent from a bare perusal of the F.I.R. that the petitioner is admittedly the driver of the truck and the transporter/owner of the truck are someone else, hence benefit of doubt can be given to the petitioner, as far as consideration of the case of the petitioner for grant of regular bail is concerned. The petitioner is stated to be having a clean antecedent and is languishing in custody since 08.12.2019.

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 in the present petition as also considering the fact that the petitioner is merely the driver of the truck in question and he is neither the transporter nor the owner of the truck, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 08.12.2019, 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, Gopalganj in connection with Kuchaikote P.S. Case No. 419 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/- (rupees ten thousand) 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, Gopalganj in connection with Kuchaikote P.S. Case No. 419 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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