

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18125 of 2020

Arising Out of PS. Case No.-278 Year-2019 Thana- MANER District- Patna

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LALTU RAI @ NITESH KUMAR @ LALTU Son of Late Karan Rai
Resident of Village - Chakiya Tola, P.S.- Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Ashok Kumar, APP
Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-05-2020 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 Dewendra Narayan Singh, 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 Maner P.S. Case No. 278 of 2019 (Special Case No. 5242 of 2019) for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1323.360 liters of illicit liquor from a TATA Turbo 407 vehicle.



The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has referred to paragraph no. 8 of the present petition to submit that the said TATA 407 vehicle, from where the illicit liquor has been recovered, neither belongs to the petitioner nor the petitioner is driver of the said vehicle. It is submitted that the petitioner has been falsely implicated on account of village politics and his name being taken by the village chowkidar. It is also submitted that though the petitioner is accused in one more case but he is on bail in the said case. Lastly, it is submitted that the petitioner is languishing in custody since 11.01.2020.

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 and taking into account the fact that the petitioner is languishing in custody since 11.01.2020, 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 Special Judge (Excise), Patna in connection with Maner P.S.



Case No. 278 of 2019 (Special Case No. 5242 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 Special Judge (Excise), Patna in connection with Maner P.S. Case No. 278 of 2019 (Special Case No. 5242 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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