

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18146 of 2020

Arising Out of PS. Case No.-343 Year-2019 Thana- SOHSARAI District- Nalanda

MD. SAHEB Son of Late Md. Kallu Qurashi @ Late Manna Qurishi Resident
of Village - Mahua Tola, P.S.- Sohsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra
For the Opposite Party/s : Mr. Ashok Kumar, APP
Mr. Mritunjay Kumar Nirala

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 Anil Chandra, 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 Sohsarai P.S. Case No. 343 of 2019 for the offence punishable under Section 30(a), 38, 56(d) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 133.100 liters of illicit foreign liquor from a Wagon-R vehicle and a



motorcycle standing near the garage situated near the house of the co-accused person, namely Subhash Kumar.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and has been falsely implicated in the present case. It is further submitted that admittedly the garage and the vehicle as also motorcycle do not belong to the petitioner, hence, the petitioner is having no complicity in the matter. Lastly, it is submitted that the petitioner is languishing in custody since 29.12.2019.

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 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 29.12.2019, 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 3rd Additional District and Sessions Judge-II cum Special Judge (Excise), Nalanda at Bihar Sharif in connection with Sohrai P.S. Case No. 343 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 3rd Additional District and Sessions Judge-II cum Special Judge (Excise), Nalanda at Bihar Sharif in connection with Sohsarai P.S. Case No. 343 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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