

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18200 of 2020

Arising Out of PS. Case No.-202 Year-2019 Thana- PARBATTa District- Khagaria

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RUPESH MANI KUMAR @ SANCHAMANI KUMAR @ SNEHA MANI
KUMAR S/o Ram Sagar Singh R/o House No. 123, Gangra, P.S.- Gidhour,
District- Jamui (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar

For the Opposite Party/s : Mr. Madan Kumar

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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 Shri Shiw Kumar, the learned counsel appearing for the petitioner and Shri Madan Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Parbatta P.S. Case No. 202 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 288 liters of illicit liquor from a Magic pick-up vehicle and the petitioner is



stated to have been arrested while he had gone to the Police Station to get his vehicle released, in pursuance to the order dated 16.12.2019 passed by the learned Division Bench of this Court in C.W.J.C. No. 18553 of 2019.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the vehicle was being driven by the driver of the petitioner and the petitioner was not present when the vehicle was apprehended by the Police and recovery of illicit liquor was made, hence the petitioner cannot be made liable for the recovered illicit liquor inasmuch as he had never authorized his driver to carry any illicit liquor. Lastly, it is submitted that the petitioner is having a clean antecedent and is languishing in custody since 20.02.2020.

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 as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since



20.02.2020, 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), Khagaria in connection with Parbatta P.S. Case No. 202 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 Special Judge (Excise), Khagaria in connection with Parbatta P.S. Case No. 202 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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