

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18139 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- DHANSOI District- Buxar

VIKASH KUMAR PATHAK Son of Hari Shankar Pathak Resident of Village
- Pathkhawaliya, Police Station - Dhansoi, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Surendra Kumar Choubey, Adv.
For the Opposite Party/s :	Mr. Ashok Kumar, APP
	Mr.Yogendra Kumar Singh

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 Surendra Kumar Choubey, 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 Dhansoi P.S. Case No. 26 of 2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 212.600 Liters of illicit foreign liquor from a TATA Magic 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. 7 of the present petition to submit that the petitioner is neither the owner nor the driver of the said TATA Magic vehicle, from which the illicit liquor has been seized. Lastly, it is submitted that the petitioner is languishing in custody since 12.02.2020.

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 12.02.2020, 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 Additional District and Sessions Judge-2nd cum Special Judge (Excise), Buxar in connection with Dhansoi P.S. Case No. 26 of 2020.

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 Additional District and Sessions Judge-2nd cum Special Judge (Excise), Buxar in connection with Dhansoi P.S. Case No. 26 of 2020, 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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