

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18270 of 2020**

Arising Out of PS. Case No.-57 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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BHURA S/o Late Abdul Karim Resident of Village- Katras Moor, Ward No. -
17, P.S.- Jharia, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mrs. Anita Kumari Singh, APP
Mr.Ram Priya Sharan Singh

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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 Binod Kumar, the learned counsel
appearing for the petitioner and Smt. Anita Kumari Singh, the
learned APP appearing for the State.

The petitioner seeks regular bail in connection with
Excise Case No. 57C3/2020 for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 358.20 liters
of illicit liquor from a four wheeler vehicle from where the
petitioner is stated to have been arrested.



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 the four wheeler vehicle in question is a commercial vehicle and the petitioner is merely the driver of the same, hence he had no knowledge about the materials loaded in the said vehicle by the transporter/ owner of the vehicle, thus the petitioner deserves to be granted benefit of doubt for the purposes of grant of bail. Lastly, it is submitted that the petitioner is languishing in custody since 21.02.2020.

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 21.02.2020, 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 Excise Case No. 57C3 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 Special Judge (Excise), Khagaria in connection with Excise Case No. 57C3 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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