

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18718 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- THAWE District- Gopalganj

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1. SUMIT KUMAR PANDEY Son of Ajay Pandey @ Ajay Kumar Pandey Resident of Village- Chitu Tola, P.S.- Thawe, District- Gopalganj.
 2. Dipu Pandey @ Dipak Pandey Son of Panchanand Pandey Resident of Village- Karmaini Gaji, P.S.- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-05-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioners seek regular bail in connection with Thawe Police Station Case No. 35 of 2020, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners, on the basis of the written report submitted by the ASI, Thawe Police Station, is that on 29.02.2020, at about 10:30 PM, while he was on patrolling duty, he reached near the Thawe Taxi Stand and saw that a while-coloured NUVO Sport N4 car, bearing registration



no. BR 28P-0106 was standing and upon seeing the police party, two persons tried to flee away, who were apprehended and they disclosed their names as Sumit Kumar Pandey and Dipu Pandey @ Dipak Pandey. The police searched the car in question and recovered 27 litres of illicit liquor.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch in paragraph 7 of this application, they have stated that they are not the owner of the vehicle in question and further the petitioner no. 2 is a student, studying in B.A. Part I and illicit liquor has been recovered from near the taxi stand, which is an open place and the same has not been recovered from the conscious possession of the petitioners. He further submits that the petitioners have got no criminal antecedent and they are in judicial custody since 01.03.2020.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioners are not the owner of the car in question and the petitioners are in custody since 01.03.2020, having no criminal antecedent, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on bail upon furnishing bail bonds of Rs.25,000/-



(twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge (Excise), Gopalganj, in connection with Thawe Police Station Case No. 35 of 2020.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.

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