

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18848 of 2020**

Arising Out of PS. Case No.-129 Year-2020 Thana- BANKA District- Banka

GAUTAM KUMAR YADAV @ GAUTAM KUMAR Son of Parmanand  
Yadav Resident of Village-Kharik, P.S.-Kharik, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      14-05-2020                      Heard Mr. Swapnil Kumar Singh, learned counsel for the petitioner and Mr. Sunil Kumar Pandey, learned counsel appearing for the State, through video conferencing.

The petitioner seeks regular bail in connection with Spl. Case No. 79 of 2020, arising out of Banka (Barahat) P.S. Case No. 129 of 2020, registered for the offence punishable under Sections 279, 337, 338 of the Indian Penal Code and Section 30(a), 32(2) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police intercepted Mahindra vehilce Xylo bearing registration No.MR-7S 0288 in which two persons were sitting and recovered a total quantity of 43.22 litres of illicit liquor from the same.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the petitioner is neither owner of the vehicle nor the driver. The



vehicle was being driven by Chotu Kumar and the petitioner had taken lift from the said vehicle to reach his village which was intercepted by the police. Learned counsel further submits that petitioner has got no criminal antecedent and he is in custody since 14.02.2020.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner is not the owner of the vehicle and he is having no criminal antecedent and he is in custody since since 16.02.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge, Banka, in connection with Spl. Case No. 79 of 2020, arising out of Banka (Barahat) P.S. Case No. 129 of 2020.

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

**(Anil Kumar Sinha, J)**

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