

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21238 of 2020**

Arising Out of PS. Case No.-138 Year-2019 Thana- VAISHALI District- Vaishali

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PANKAJ SUKLA @ PANKAJ SHUKLA Son of Suresh Shukla Resident of
Village- Jalalpur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bela Singh

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

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 29-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Vaishali P.S. Case No. 138 of 2019, registered for the offence punishable under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act.



The police, upon receiving secret information that illicit liquor was being unloaded near Kanya Chowk, had reached at the alleged place of occurrence on the alleged date and time of occurrence and found that in front of a poultry farm, liquor was being unloaded from a truck, however, upon seeing the police party, the persons unloading the illicit liquor started to flee away, however, the police caught one accused person, namely, Kira Ram, who then disclosed about the names of the co-accused persons. It is further alleged by the informant that on search of the truck in question, 620 liters of illicit liquor was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case only on account of his bad antecedent. It is further submitted that the name of the petitioner has transpired in the present case in the confessional statement made by the co-accused person, namely, Kira Ram, who has already been granted



the privilege of regular bail by a coordinate Bench of this Court vide order dated 10.7.2019 passed in Criminal Miscellaneous No. 41310 of 2019. It is also submitted that no recovery has been made either from the conscious possession of the petitioner or from his house. Lastly, it is submitted that almost all the co-accused persons have been granted the privilege of anticipatory bail vide orders dated 18.7.2019, 26.9.2019 and 16.11.2019 passed in Criminal Miscellaneous No. 44153 of 2019, Criminal Miscellaneous No. 61110 of 2019 and Criminal Miscellaneous No. 57248 of 2019. The petitioner is stated to be languishing in custody since 5.2.2020.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, I



deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Vaishali in connection with Vaishali P.S. Case No. 138 of 2019.

(Mohit Kumar Shah, J)

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