

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20169 of 2020

Arising Out of PS. Case No.-152 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. JITENDRA KUMAR Son of Chhotu Yadav Resident of Village-Pachaura, P.S.-Harnaut, District-Nalanda.
 2. Alok Kumar Son of Dipendra Prasad Resident of Village-Kenarkala, Police Station-Sarmera, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-06-2020 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 appearing for the petitioners and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioners seek regular bail in connection with Excise Case No. 152 of 2020 for the offence punishable under Sections 30(a) and 56(Kh) of the Bihar Prohibition and Excise Amendment Act, 2018.

The case of the prosecution in brief is that the police is stated to have intercepted a Bolero vehicle and recovered 350



litres of illicit country made liquor. Petitioner no. 1 is stated to be the driver of the said vehicle and petitioner no. 2 is stated to be assistant driver of the said vehicle.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are languishing in custody since 08.03.2020. It is further submitted that the petitioners are not the owner of the Bolero vehicle, hence they were not having knowledge about the load being carried in the vehicle, as the same was loaded by someone else.

Per contra, the learned A.P.P. 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 petitioners as also taking into account the fact that the petitioners are merely driver and assistant driver of the Bolero vehicle in question, are having clean antecedent and are languishing in custody since 08.03.2020, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Gaya in
connection with Excise Case No. 152 of 2020.

(Mohit Kumar Shah, J)

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