

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21058 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- NAYAGAON District- Begusarai

SHIVPURAN SINGH Son of Late Sukho Singh Resident of - Ward No. 2,
Balahpur-2, Chhitraur, Nayagaon, P.S.- Nayagaon, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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 Ms. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Nayagaon P.S. Case No. 258 of 2019, registered for the offence punishable under Sections 120(b) of the Indian Penal Code and Section 30(A) of the Bihar Excise (Prohibition) Act,



2016.

The informant along with police force is stated to have reached at the alleged place of occurrence at about 1.:45 in the night of 16.9.2019 where a ten wheeler truck and a bolero vehicle were standing along with one motorcycle. On seeing the police force, the truck driver and other accused persons started fleeing away, however, one person was arrested and upon interrogation, he disclosed his name as Jitendra Kumar and upon search, 457.920 liters of illicit liquor was recovered from the truck and 313.200 liters of illicit liquor was recovered from the bolero vehicle as also 18 liters of illicit liquor was recovered from the motorcycle in question. The informant has further alleged that the person, who was arrested from the spot, disclosed the name of the other accused persons, who were involved in illicit business of liquor. The name of the petitioner is stated to have transpired during the course of investigation as the person in whose name, the bolero vehicle has been registered.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that though the petitioner had purchased the bolero vehicle in question, however finding the same to be defective, he had returned it back and got his money refunded and on the date of alleged occurrence, the petitioner was not the owner of the said vehicle.

Per contra, the learned APP 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 petitioner and taking into account the fact that the petitioner has not been arrested from the spot, he is having a clean antecedent and he is stated to be not the owner of the bolero vehicle in question, as on the date of alleged occurrence, I deem it fit and proper to direct for release of the petitioner on 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 Additional Sessions's Judge-II-cum-Special Judge (Excise Act), Begusarai in connection with Nayagaon P.S. Case No. 52 of 2019.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

