

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21578 of 2020

Arising Out of PS. Case No.-305 Year-2019 Thana- KALYANPUR District- East Champaran

KUMOD DAS Son of Ramjee Das Resident of Village- Darmaha, P.S.-
Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-07-2020 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 Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Kalyanpur P.S. Case No. 305 of 2019 for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) and 41(i) of the Bihar Prohibition & Excise Act.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having clean antecedent and he is languishing in



custody since 24.11.2019. It is further submitted that no recovery of illicit liquor has been made from the possession of the petitioner and the petitioner is also not the driver of the truck in question. Lastly, it is submitted that there is no compliance of Section 100 Cr.P.C. while preparing the seizure list, hence the entire seizure is illegal and void. At this juncture, it is also submitted that similarly situated co-accused person, who is driver of the truck/container in question, has already been granted the privilege of bail by a coordinate Bench of this Court vide order dated 28.02.2020 passed in Criminal Misc. No. 11807 of 2020.

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 petitioner and taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a coordinate Bench of this Court apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to



be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 305 of 2019.

(Mohit Kumar Shah, J)

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