

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21239 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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GULSHAN KUMAR SINGH @ GULSHAN KUMAR S/o Anil Singh R/o
Village- Chhatauna, P.S.- Naokothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-06-2020 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 Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Naokothi P.S. Case No. 09 of 2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of about 182 litres of illicit liquor from a tractor upon the same being apprehended by the Police and when the driver had tried to flee away, he was caught by the Police. It is further alleged that upon interrogation



the driver of the tractor disclosed that his name is Vishal Kumar and his brother Gulshan Kumar is engaged in the business of liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 28.04.2020. It is further submitted that the name of the petitioner has transpired in the confessional statement of the co-accused person namely Vishal Kumar, who has already been granted bail by a coordinate Bench of this Court vide order dated 13.05.2020 passed in Cr. Misc. No. 16964 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 neither the petitioner has been arrested from the spot nor any recovery has been made from his house as far as the illicit liquor is concerned, 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 Additional Session Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Naokothi P.S. Case No. 9 of 2020.

(Mohit Kumar Shah, J)

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