

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21954 of 2020

Arising Out of PS. Case No.-190 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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RABINDRA KUSHWAHA Son of Mahendra Prasad Resident of Village -
Dhangarhwa, P.S. - Dumariyaghat, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-07-2020 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.

At the outset, the learned counsel for the petitioner undertakes to remove all the defects, as pointed out by the stamp reporter, within a period of four weeks of resumption of normal physical functioning of the Court including resumption of physical filing.

The petitioner seeks regular bail in connection with Dumariyaghat P.S. Case No. 190 of 2019 for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



The allegation is regarding recovery of 7040 litres of illicit spirit from a truck and the police had apprehended one co-accused person namely Tinku Kumar, who was sitting on the driving seat of a bolero vehicle, who, upon interrogation, disclosed his name as also disclosed that the truck was loaded with spirit which was to be unloaded by two other persons namely Shivji Sahani and the petitioner herein in their village.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 12.06.2020. It is further submitted that the petitioner has not been apprehended from the spot and his name has transpired during the course of confessional statement made by the co-accused person namely Tinku Kumar. It is further submitted that similarly situated co-accused person has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 10.06.2020 passed in Cr. Misc. No. 84268 of 2019.

The learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced 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 who has already been granted the privilege of bail by a co-ordinate Bench of this Court, apart from the fact that he is having a clean antecedent, I deem it fit and proper to direct for the release of the petitioner on regular bail.

Accordingly, the petitioner, above-named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge cum Special Judge, Excise Act, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 190 of 2019.

(Mohit Kumar Shah, J)

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