

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21708 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- SURYAGARHA District- Lakhisarai

RAVI RANJAN KUMAR Son of Narayan Gupta Resident of Mohalla-
Dharmrai Chak, Police Station- Lakhisarai, Distt- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

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

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 Sanjay Kumar Pandey, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Suryagarha P.S. Case No. 37 of 2020 for the offence punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The case of the prosecution, in brief, is that the petitioner herein and eight others were caught and huge quantity of illicit Indian made foreign liquor was recovered from a truck and other vehicles at the alleged place, time and date of occurrence. It is alleged that recovery of illicit liquor totaling to 941.76 litres



of illicit liquor was made from the truck/pick up van/Scorpio vehicle/motorcycle. The informant has also alleged to have recovered 1296 litres of illicit foreign liquor from the house of the co-accused person namely Pawan Paswan.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and is languishing in custody since 27.02.2020. It is further submitted that the petitioner has been falsely implicated in the present case and it has been categorically stated in paragraph no. 8 of the present petition that the petitioner is neither owner nor driver of the truck in question or the pickup van or the Scorpio vehicle or the motorcycle from where illicit liquor has been recovered and he was returning from his in-laws place after attending a marriage ceremony, however, the Police has falsely implicated him in a mala fide manner. It is also submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 29.06.2020 passed in Criminal Misc. No. 20386 of 2020. Lastly it is submitted that no illicit liquor has been recovered from the conscious possession of the petitioner.

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 fact that none of the vehicles from which illicit liquor has been recovered, belongs to the petitioner, the petitioner is having a clean antecedent and moreover similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court, 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 Special Judge, Excise, Lakhisarai in connection with Suryagarha P.S. Case No. 37 of 2020.

(Mohit Kumar Shah, J)

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