

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24189 of 2020

Arising Out of PS. Case No.-55 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

SHIV KUMAR Son of Late Narayan Singh @ Narayan Resident of Village -
Khajurka, P.S.- Chand hath, District - Palwal (Haryana)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Mr. Ram Anurag Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 13-10-2020 Heard Mr. Pankaj Kumar Dubey, learned counsel
appearing on behalf of the petitioner and Mr. Ram Anurag Roy,
learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of
Excise Complaint Case No. 55/2020, registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

According to the prosecution's case, the excise
officials intercepted a car coming from U.P. side of the Bihar
border. The driver, in a desperate attempt, tried to flee away and
in that course, the car got damaged. The petitioner was driving
the vehicle, who was apprehended, and from the car, 131.25
liters of India made foreign liquor was recovered. He disclosed
that one co-accused Nitesh had given the lead to illegal



transportation of illicit liquor to its destination.

Learned counsel appearing on behalf of the petitioner has submitted that he was merely driver of the vehicle and he had no concern either with the vehicle or the illicit liquor.

Be that as it may, it is the specific case of the prosecution that the petitioner was driving the vehicle when the same was intercepted and from the vehicle huge quantity of illicit liquor, as noted above, was recovered.

Considering the nature of allegation, in my opinion, the petitioner does not deserve regular bail for the present.

This application is accordingly rejected.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which



shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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