

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27483 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

GUDDU RAI S/o Ramayodhya Ray Resident of Village-Banaura, P.S-
Baikunthpur, District-Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-11-2020 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 Jharkhandi Upadhyay, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Baikunthpur P.S. Case No. 39 of 2020 for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 10 litres illicit wine from the possession of one co-accused person namely Kamlesh Kumar, upon being apprehended by the police and during the course of interrogation, he is stated to have disclosed that the said illicit liquor was delivered by the



petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 28.04.2020.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the period of incarceration of the petitioner herein as also the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner, 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 regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II, Gopalganj in connection with Baikunthpur P.S. Case No. 39 of 2020.

(Mohit Kumar Shah, J)

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