

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27499 of 2020

Arising Out of PS. Case No.-438 Year-2018 Thana- MAIRWAN District- Siwan

PAWAN KUMAR RAM @ SHASHIKANT KUMAR RAM Son of Bachcha
Ram R/o Village and P.O.- Amarpur, P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Matloob Rab, 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 Matloob Rab, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Mairwa P.S. Case No. 438 of 2018 for the offence punishable
under Sections 272, 273, 308, 34 of the Indian Penal Code and
Section 30(a), 38(i) and 41(i) of the Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding recovery of 112.320
litres of illicit liquor from a maruti car.

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 03.03.2020. It is further submitted that only on account of



bad antecedent of the petitioner herein, he has been falsely roped in the present case, however, it is submitted that though the petitioner is accused in three other cases, but he is on bail in the said three cases. It is further submitted, by referring to paragraph No. 5 of the present petition that neither the illicit liquor nor the vehicle in question belongs to the petitioner.

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 in view of the submissions made by the petitioner herein to the effect that the car from which illicit liquor has been recovered does not belong to 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 A.D.J. II- cum- Special Judge, Excise, Siwan in connection with Mairwa P.S. Case No. 438 of 2018.

(Mohit Kumar Shah, J)

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