

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28783 of 2020

Arising Out of PS. Case No.-410 Year-2020 Thana- FATUA District- Patna

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1. KAMLESH PRASAD @ LOHA S/o Ram Ekbal Rai Resident of Natthupur, P.S.-Fatuha, District-Patna.
 2. Akash Kumar S/o Kamlesh Prasad @ Kamlesh Ray R/o of Village-Natthupur, P.S.-Fatuha, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Md. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-11-2020 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 petitioners and Shri Md. Khurshid Anwar, the learned A.P.P. appearing for the State.

The petitioners seek regular bail in connection with Special Case No. 3927 of 2020 arising out of Fatuha P.S. Case No. 410 of 2020 for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 80 litres of illicit Mahua liquor from a corn field near the hut in question from where the petitioners are alleged to have been caught by



the police, while fleeing away, upon seeing the police.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 16.06.2020.

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

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 petitioners herein as also considering the fact that the petitioners are having clean antecedent, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Special Case No. 3927 of 2020 arising out of Fatuha P.S. Case No. 410 of 2020.

(Mohit Kumar Shah, J)

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