

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28765 of 2020

Arising Out of PS. Case No.-115 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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ABHISHEK RAI Son of Vinod Rai Resident of Village- Belthari, Police
Station- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Umesha Nand Pandit, APP

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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 petitioner and Shri Umesha Nand Pandit, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Excise Case No. 115 of 2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding the police having intercepted and detained a Swift Dezire car and upon search, 72



litres of illicit wine was recovered as also the petitioner, who is the driver of the said car, was arrested from the spot.

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 14.06.2020. It is further submitted that the petitioner is only the driver of the said car in question and he is not the owner of the said car, hence he is having no complicity in the matter. Lastly, it is submitted that the petitioner is accused in one other case but he is on bail in the said case.

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 petitioner is not the owner of the car from which the illicit liquor has been seized, 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 2nd Additional Sessions Judge cum Special Judge (Excise), Gopalganj in connection with Excise Case No. 115 of 2020.

(Mohit Kumar Shah, J)

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