

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34945 of 2020

Arising Out of PS. Case No.-157 Year-2020 Thana- DUMRA District- Sitamarhi

1. DURGAKANT RAI Son of Late Pramod Rai Resident of Village - Kauriya Lalpur, Ward No. 3, P.S. - Runnisaidpur, District - Sitamarhi.
2. Chandan Rai Son of Late Pramod Rai Resident of Village - Kauriya Lalpur, Ward No. 3, P.S. - Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP .

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2020 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 Mrs. Anita Kumari Singh, the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Dumra P.S. Case No. 157 of 2020 for the offence registered under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having received secret information that huge consignment of illicit liquor was



scheduled to arrive at the poultry farm of Pankaj Sharma, whereafter the police team had reached at the said place on the alleged date and time of occurrence and had seen a pick up van parked near the poultry farm and from the same, five persons were unloading some articles, however, upon seeing the police vehicle, the said persons tried to flee away but the petitioners herein were apprehended and upon search 1455.48 litres of illicit liquor was recovered, whereafter the petitioners herein had disclosed that the said pick up van and illicit liquor belongs to Pankaj Sharma, Shyam Rai, Ram Kumar Rai and Subodh Rai.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and they are having a clean antecedent. It is further submitted that the petitioners are languishing in custody since 24.05.2020.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioners are not the owner of the pick up van in question, are



having a clean antecedent and they are languishing in custody since 24.05.2020, I deem it fit and proper to direct for release of the petitioners herein on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge (Excise), Sitamarhi in connection with Dumra P.S. Case No. 157 of 2020.

(Mohit Kumar Shah, J)

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