

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.34932 of 2020

Arising Out of PS. Case No.-339 Year-2020 Thana- KOILWAR District- Bhojpur

1. SITAPATI RAI Son of Ramjee Rai Resident of Village- Badoka Chanda, P.S.- Koilwar, District- Bhojpur.
2. Santosh Paswan Son of Krishana Paswan Resident of Village- Chhotaka Chanda, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Uma Nath Mishra, 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 appearing for the petitioners and Shri Uma Nath Mishra, learned A.P.P. for the State.

The petitioners seek regular bail in connection with Excise Case No. 1114 of 2020 arising out of Koilwar P.S. Case No. 339 of 2020 for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 55 litres of illicit liquor from a motorcycle and the petitioners were arrested from the spot.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and they are



languishing in custody since 18.08.2020. The learned counsel for the petitioners has further submitted that the motorcycle in question does not belong to the petitioners.

Per contra, the learned A.P.P. 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 motorcycle in question from which illicit liquor has been recovered, does not belong to the petitioners and moreover the petitioners are having a 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 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 4th Additional Sessions Judge-cum-Special Judge Excise Act, Bhojpur at Ara in connection with Excise Case No. 1114 of 2020 arising out of Koilwar P.S. Case No. 339 of 2020.

(Mohit Kumar Shah, J)

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