

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34974 of 2020

Arising Out of PS. Case No.-155 Year-2020 Thana- BAHERI District- Darbhanga

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DILIP KUMAR Son of Dani Mandal Resident of Village - Madhuban, P.S.-
Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-12-2020 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 petitioner and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with G.O. Case No. 649 of 2020 arising out of Baheri P.S. Case No. 155 of 2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 510.84 litres of illicit liquor from a pick- up van.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely



implicated in the present case, is having a clean antecedent and is languishing in custody since 25.06.2020. The learned counsel for the petitioner, by referring to paragraph-7 of the present petition, has submitted that the petitioner has got no concern, either with the illicit liquor recovered by the informant or with the vehicle in question. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 01.10.2020 passed in Cr. Misc. No. 25550 of 2020.

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 made by the learned counsel for the parties and taking into account the fact that the petitioner is having a clean antecedent and the pick-up van from which the illicit liquor has been recovered, does not belong to the petitioner, as stated in paragraph-9 of the present petition, 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), Darbhanga in connection with G.O. Case No. 649 of 2020 arising out of Baheri P.S. Case No. 155 of 2020.

(Mohit Kumar Shah, J)

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