

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35004 of 2020

Arising Out of PS. Case No.-246 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

1. KIRAN WAJE @ KIRAN PANDHARINATH WAJE S/o Pandharinath R/o Village- Dubari (Dubere), P.S.- Sinnar, District- Nasik (Maharastra).
2. Mohan Sahane @ Mohan Ambadas Sahane @ Mohan Sahani S/o Ambadas Sahane R/o Village- Dubari (Dubere), P.S.- Sinnar, District- Nasik (Maharastra).
3. Rohit Kumar S/o Raman Kumar R/o Nadala, P.S.- Nadala, District- Kapoorthala (Punjab).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai
For the Opposite Party/s : Mr.Ajay Kr. Jha

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.

Heard the learned counsel for the petitioners and
Sri Ajay Kr. Jha, the learned APP for the State.

The petitioners seek regular bail in connection with Baikunthpur PS case no. 246 of 2020 instituted for the offences punishable under Section 30(a), 32, 41 of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'the Act 2016').

The allegation is regarding the police having



discovered that one truck and one Bolero pick-up van were standing at the alleged place of occurrence, covered with tarpaulin and upon seeing the police, some persons started fleeing away on motorcycle. It is further alleged that the police had then surrounded the truck and two persons sitting in the truck and one person sitting in the pick-up van were apprehended by the police, whereupon search was made and huge quantity of illicit liquor was recovered.

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 07.08.2020. It is further submitted that as far as petitioners no. 1 and 2 are concerned, they are the driver and cleaner of the truck in question and as far as petitioner no. 3 is concerned, he is the cleaner of the pick-up van in question and they do not have anything to do either with the truck or with the pick-up van.

Per contra, the learned APP 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 parties and taking into account the fact that the



petitioners are driver and cleaner of the truck and the pick-up van in question and are not the owners thereof as also are having clean antecedent, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-2nd-cum-Special Judge, Excise, Gopalganj in connection with Baikunthpur PS case no. 246 of 2020.

(Mohit Kumar Shah, J)

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