

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35352 of 2020

Arising Out of PS. Case No.-379 Year-2020 Thana- CHAPRA TOWN District- Saran

PANKAJ KUMAR S/o Umesh Mahto @ Mangal Mahto Resident of-
Kachahari Station Salempur Chapra, P.S.- Chapra Town, District- Saran at
Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash

For the Opposite Party/s : Mr. Nityanand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner seeks regular bail in connection with
Chapra Town Police Station Case No. 379 of 2020, registered
for the offence punishable under Sections 30 (a)/41 (i) (ii) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police intercepted one auto-rickshaw, on
which three persons were travelling and upon seeing the police
party, all the three persons fled away and the police recovered a
total quantity of 100 litres of illicit liquor from the auto-
rickshaw in question. It has further been alleged that the local



people disclosed the names of two persons out of three as Mithun Kumar and Praduman Kumar.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of confessional statement of the co-accused Mithun Kumar and the confessional statement of the petitioner was also recorded by the police in course of investigation. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner is not the owner of the auto-rickshaw in question. He further submits that charge sheet has already been submitted in this case and there is no apprehension that the petitioner will abscond or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner has got no criminal antecedent, he is in custody since 23.07.2020 and charge sheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Saran, at Chapra, in connection with Chapra Town Police Station Case No. 279 of 2020.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

