

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35290 of 2020

Arising Out of PS. Case No.-122 Year-2020 Thana- DAGARUA District- Purnia

1. MAHESH KAMTI @ Makhan Kamti son of Late Tulsi Kamati Resident of Village- Newa Lal Chowk, Chhath Pokhar Musahari Tola, P.S.- Sahayak K.Hat District- Purnea.
2. UMESH KUMAR SAH son of Ganpati Sah Resident of Village- Begumbad Singhia Tola, P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2020 Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioners and Md. Mushtaque Alam, Additional Public Prosecutor for the state through video conferencing.

2. Petitioners seek regular bail in connection with Dagarua PS Case No. 122/2020 giving rise to Special Excise Case No. 311/2020, registered for the offence punishable under Sections 272, 273 IPC and Section 30(a) of Bihar Prohibition & Excise Act 2016.

3. The allegation, as per First Information Report, is that the police intercepted a tempo and recovered 286 litres of illicit foreign liquor and arrested the petitioners from the same.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case. Learned counsel



further submits that petitioner no.1 is driver and petitioner no.2 is cleaner of the said tempo and they were having no knowledge about the illicit liquor being kept inside the seat of the tempo. Learned counsel also submits that charge-sheet has been submitted in this case and petitioners are in custody since 11.08.2020 having no criminal antecedents.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that charge-sheet has already been submitted in this case and petitioners are in custody since 11.08.2020 having no criminal antecedents, I am inclined to grant regular bail to the petitioner.

6. Accordingly, let the petitioners, named above, 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 Special Judge, (Excise) Purnea in connection with Dagarua PS Case No. 122/2020 giving rise to Special Excise Case No. 311/2020.

7. 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)

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