

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34908 of 2020

Arising Out of PS. Case No.-318 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

Indal Rai Son of Gagandeo Rai Residence of Village - Simra, Police Station -
Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar .

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2021 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
Complaint Case No. C-2/318 of 2020 for the offence punishable
under Section 30(A) of the Bihar Prohibition and Excise Act,
2016.

The allegation is regarding recovery of 107.7 liters of
illicit Nepali saufi wine from an auto-rickshaw in which the
petitioner was also found sitting.

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 26.06.2020. The learned counsel for the petitioner
has further submitted that the petitioner was only a co-passenger



in the auto-rickshaw and is having no complicity in the matter.

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 was merely a co-passenger in the auto- rickshaw and has not been stated to be the owner of the auto-rickshaw, 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 A.D.J. IInd cum Special Judge, Excise Act, Sitamarhi in connection with Complaint Case No. C-318 of 2020.

(Mohit Kumar Shah, J)

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