

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1604 of 2021

Arising Out of PS. Case No.-241 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. VIRENDRA KUMAR KUSHWAHA @ BIRENDRA KUMAR KUSHWAHA, Son of Saryu Singh @ Saryu Kushwaha Resident of Village - Satkothwa Ward No. 4, P.S. - Uchkagaon, District - Gopalganj.
 2. Rohit Kumar Sah @ Rohit Kumar, Son of Suresh Kumar Sah Resident of Village - Satkothwa Ward No. 4, P.S. - Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-03-2021 Heard Mr. Irshad Ahmad Khan, learned Counsel for the petitioners and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of regular bail, arises out of Excise Case No.241 of 2020, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation, as per the First Information Report is that Maruti Wagonr vehicle was intercepted by the Excise Official and a total quantity of 72 litres of illicit liquor was recovered from the said vehicle. The petitioners tried to flee away but were caught by the Excise officials.



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 next submits that the petitioner No.1 is owner of the vehicle and petitioner No.2 was sitting as passenger in the said vehicle. Learned counsel further submits that petitioners are in custody since 08.09.2020 and the chargesheet has already been submitted against the petitioners and there is no likelihood that the petitioners will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioners are in custody since 08.09.2020 having no criminal antecedent and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioner No.1, Virendra Kumar Kushwaha @ Birendra Kumar Kushwaha and petitioner No.2, Rohit Kumar Sah @ Rohit Kumar, 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 Additional District & Sessions Judge-IIInd-cum-Special Judge (Excise), Gopalganj, in connection with Excise Case



No.241 of 2020.

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

(Anil Kumar Sinha, J.)

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