

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42066 of 2021**

Arising Out of PS. Case No.-101 Year-2018 Thana- KORANSARAI District- Buxar

MAHESH GOND S/o Suresh Gond Resident of Village- Chakani, P.S. -
Simri, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 31-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Koran Sarai Police Station Case No. 101 of 2018, registered for
the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information,
intercepted one pick-up van and upon seeing the police, the
driver along with three other persons succeeded in fleeing away
and a total quantity of 1131.84 litres of illicit liquor has
allegedly been recovered from the said vehicle. The name of the
petitioner has been disclosed in course of the investigation that
the vehicle, in question, was being driven by him.



Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case on the basis of disclosure of his name in course of investigation. He further submits that the petitioner is neither the driver of the vehicle nor its owner and no illicit liquor has been recovered from his conscious possession and/or vehicle belonging to him. He further submits that the petitioner is in custody since 07.04.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, no illicit liquor has been recovered from his possession, he is in custody since 07.04.2021, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand)



with two sureties of the like amount each to the satisfaction of
learned 2nd Additional Sessions Judge -cum- Special Judge,
Excise, Buxar, in connection with Koran Sarai Police Station
Case No. 101 of 2018.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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