

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43386 of 2021**

Arising Out of PS. Case No.-269 Year-2020 Thana- GAURICHAK District- Patna

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MUKESH KUMAR S/o Vijay Ram Resident of Village- Sanghatpar, P.S.-
Gaurichak, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma, Adv.

For the Opposite Party/s : Ms. Sucheta Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 15-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Ms. Sucheta Yadav.

The petitioner seeks regular bail in connection with Gaurichak P.S. Case No. 269/2020, registered for the offence punishable



under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding the police force having received secret information that one motorcycle and a tempo were carrying illicit liquor whereupon the police had intercepted the tempo and the motorcycle and as far as the tempo is concerned, 50 liters of illicit liquor was recovered from the driver's seat and 25 liters of illicit liquor was recovered from the middle seat. As far as the motorcycle is concerned, 25 liters of illicit liquor was recovered. It is also alleged that the petitioner was sitting in the said tempo.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 3.9.2020. The learned counsel for the petitioner has further submitted that the petitioner is neither the driver nor the owner of the tempo in question and was merely a passenger in the said tempo, hence, the



provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is stated to be a passenger of the tempo in question from which the illicit liquor has been recovered and moreover, he is not stated to be the owner of the tempo in question, apart from the fact that he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Gaurichak P.S. Case No.



269/2020.

(Mohit Kumar Shah, J)

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