

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47508 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- BANKA District- Banka

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KRISHNA RAI @ AMIT S/O GANESHI RAY R/o village- Khodipakar
Bhuegaon, P.O.- Basant, P.S.- Garkha, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-02-2022 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Special Excise Case No. 166 of 2021, arising out of Banka Police Station Case No. 156 of 2021, registered for the offences punishable under Sections 30(a)/32(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the petitioner claims to be the driver of a truck, which was intercepted by the police and a total quantity of 4526.64 litres of illicit liquor was recovered from the said truck.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he was plying the vehicle on the instruction of its owner and was not aware about the illicit liquor being kept inside the truck by its owner or others. He further submits that the petitioner is in custody since 02.03.2021 having no criminal antecedent 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.

Regard 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, charge sheet has already been submitted, the petitioner is in custody since 02.03.2021 and the trial is not likely to be concluded in near future due to Covid-19 pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II,



Banka, in connection with Special Excise Case No. 166 of 12021 arising out of Banka Police Station Case No. 156 of 2021, subject to the condition that one of the bailors shall be of Banka district.

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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