

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49904 of 2021**

Arising Out of PS. Case No.-83 Year-2021 Thana- MAHESHKHUNT District- Khagaria

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SANDEEP KUMAR @ GOURAV KUMAR @ DANTI S/o PRAVEEN
CHOURASIA R/o VILLAGE-BICHLA TOLA MAHESHKHUNT, P.S-
MAHESHKHUNT, DISTRICT-KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Ms.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Maheshkhunt Police Station Case No. 83 of 2021, registered for
the offences punishable under Sections 30(a)/36/41(i) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police recovered 872 litres of illicit liquor
from a pick-up van and arrested the petitioner, who is said to be
the driver of the said pick-up van.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case merely because



he happens to be the driver of the said pick-up van. He further submits that the petitioner was not aware about the illicit liquor being kept inside the pick-up van and he plies the commercial vehicle at the instance of its owner on hire basis. He further submits that the petitioner is in custody since 28.05.2021, having no criminal antecedent of similar nature of offence and charge sheet has been submitted against him 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 of similar nature, no illicit liquor has been recovered from the conscious possession of the petitioner, charge sheet has already been submitted, the petitioner is in custody since 28.05.2021 and the trial is not likely to be 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 bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of



learned 2nd Additional Sessions Judge -cum- Special Judge,
Excise, Khagaria, in connection with Maheshkhunt Police
Station Case No. 83 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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