

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69231 of 2021**

Arising Out of PS. Case No.-204 Year-2020 Thana- AURAI District- Muzaffarpur

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GOPENDRA KUMAR @ GOPINDRA KUMAR Son of Ramadhar Rai
Resident of Village- Sundergaura, P.S.- Parsauni, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Aurai Police Station Case No. 204 of 2020, registered for the
offences punishable under Sections 30 (a)/36/41(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police intercepted one truck, one Mahindra
pick-up van and two tempo and recovered a total quantity of
4824 litres of illicit liquor from the said vehicles and arrested
three persons.

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



of the fact that he happens to be the owner of one of the tempo, from which 180 litres of illicit liquor has been recovered. He further submits that the tempo is a commercial vehicle which was being plied by its driver on hire basis and the petitioner had no knowledge about the illicit liquor being transported in his tempo by its driver. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner. He further submits that co-accused persons have been granted bail vide orders, passed in Criminal Misc. Nos. 20982 and 55440 of 2021. He further submits that the petitioner is in custody since 12.07.2021 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 no illicit liquor has been recovered from the conscious possession of the petitioner, he is in custody since 12.07.2021, co-accused persons have been granted bail by this Court, 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. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Aurai Police Station Case No. 204 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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