

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6012 of 2019

Arising Out of PS. Case No.-90 Year-2018 Thana- GOPALPUR District- Bhagalpur

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Dablu Sah @ Dabla Sah, male, aged about 35 years, Son of Parmanand Sah
@ Paraw Saw, Resident of Village-Saidpur Dabra, P.S.-Gopalpur, District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 30.11.2018
in a case registered for the offences punishable under Sections
30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

From a pickup van, 14.08 litres of foreign liquor and 200
litres of country made liquor were recovered, when three
persons were found fleeing away from the scene. Subsequently,
the villagers conveyed that the persons, who escaped from the
scene were, co-accused Chhotu Singh and Sanjeet Kumar and
the driver of the alleged pickup van. Subsequently, the owner of
the pickup van disclosed the name of the petitioner as the driver
of the alleged pickup van.



It is submitted by learned counsel for the petitioner that the petitioner was simply the driver of the alleged vehicle and he was not aware about co-accused, Chhotu Singh and Sanjeet Kumar carrying illicit liquor. It is further submitted that the co-accused, Chhotu Singh and Sanjeet Kumar have been granted bail by different Benches of this Court, vide order dated 06.10.2018 passed in Cr. Misc. Nos. 56558 of 2018 and vide order dated 27.09.2018, passed in Cr. Misc. No. 54511 of 2018, respectively. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was the driver of the alleged vehicle from which recovery has been made.

Considering the fact that the petitioner was not arrested from the spot and the name of the petitioner sprang up on the statement of the owner of the alleged vehicle, who was not made accused, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Addl. District and Sessions Judge-



cum-Special Judge, Excise, Bhagalpur in connection with
Gopalpur P.S. Case No. 90 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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