

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37048 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

RISHPAL SHARMA S/O HARICHANDRA SHARMA @ HARI CHAND
R/O DAHARBHANPUR, (66 DHAR KORE, DHAR MAHANPUR), P.S.
BASAULI, DISTRICT-KATHUA (JAMMU AND KASHMIR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate
For the Opposite Party/s : Mr. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-12-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kuchaikote P.S. Case No. 74 of 2021 for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The allegation is regarding recovery of 2202.750 litres
of illicit liquor from a DCM truck and the petitioner is stated to
be the driver of the said truck.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 26.02.2021.
The learned counsel for the petitioner has further submitted that
the petitioner is not the owner of the truck in question and he is



merely the driver of the truck in question, as such he was not having any knowledge as to what consignment had been loaded in the said truck.

Per contra, the learned counsel 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 merely the driver of the truck in question and he is languishing in custody since 26.02.2021, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-2nd-cum-Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 74 of 2021.

(Mohit Kumar Shah, J)

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