

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36158 of 2020

Arising Out of PS. Case No.-279 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Rajiv Kumar Yadav @ Rajiv Yadav S/o Ramtrith Yadav @ Ramtirth, Resident
of village- Baburiya, Ps.- Mohamdabad, District- Farukhabad (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-01-2021 Heard the learned counsel for the petitioner and

Mr. Navin Kumar Pandey, the learned A.P.P. appearing for the

State.

The petitioner seeks regular bail in connection
with Excise Case No. 279 of 2020 for the offence punishable
under Sections 30 (a), 32, 41(i) (ii) of the Bihar Prohibition and
Excise (Amendment) Act, 2016.

The allegation is regarding recovery of huge
quantity of illicit liquor from a 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, is having a clean antecedent and
is languishing in custody since 28.08.2020. The learned counsel
for the petitioner has further submitted that the petitioner is



merely a driver of the truck in question, however, the main accused persons are the owners of the said truck and illicit liquor.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the period of incarceration of the petitioner herein as also the fact that the petitioner is merely a driver of the truck in question, from which the illicit liquor has been seized, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII cum Special Judge, Excise, East Champaran, Motihari in connection with Excise Case No. 279 of 2020.

(Mohit Kumar Shah, J)

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