

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35767 of 2020

Arising Out of PS. Case No.-59 Year-2020 Thana- TARAIIYA District- Saran

Rakesh Tiwary S/o Gauri Shankar Tiwari R/o Vill Fatehpur, Chaubeypur, P.O. Dubepur, Police Station-Antu, Dist-Pratapgarh (U.P.)

... .. Petitioner/s

Versus

The State of Bihar .

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh, Adv.
For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-03-2021 Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Taraiya P.S. Case No. 59 of 2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having intercepted a truck from which huge quantity of illicit liquor was recovered and the driver of the said truck, who is stated to be the petitioner herein, was apprehended while he was trying to flee away by jumping from the truck in question.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody



since 25.02.2020. The learned counsel for the petitioner has further submitted that a bare perusal of the FIR in question would show that the police had received secret information that the consignment of the said illicit liquor was being brought by the co-accused Alok Pandey and he is also stated to have fled away from the spot, after the truck was seized, hence it is submitted that the petitioner, who is the driver and owner of the truck in question, has no complicity in the matter, inasmuch as he is only the carrier of the goods in question, which belongs to the said Alok Pandey and he was not aware about the load being carried by him in his truck.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the materials available in the case diary as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since a long time, 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 bail on furnishing bail bonds of Rs. 10, 000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge,



Excise, Saran in connection with Taraiya P.S. Case No. 59 of
2020.

(Mohit Kumar Shah, J)

Tiwary/-

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