

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39073 of 2021**

Arising Out of PS. Case No.-184 Year-2021 Thana- KANTI District- Muzaffarpur

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1. MANJIT KUMAR S/O Marmvir R/o village- Vijaul, P.S.- Athmarla, District- Panipat (Hariyan)
  2. Sanjay Kumar S/o Rakesh Kumar R/o village- Vijaul, P.S.- Athmarla, District- Panipat (Hariyan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      27-01-2022                      Heard.

The petitioners seeks regular bail in connection with Kanti P.S. Case No. 184 of 2021, registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 344.820 liters of illicit foreign liquor from a tourist bus and the petitioner no. 1 is stated to be the driver whereas the petitioner no.2 is stated to be the cleaner of the said tourist bus.

The learned counsel for the petitioners has



submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 11.3.2021. The learned counsel for the petitioners has further submitted by referring to paragraph no. 9 of the present petition that the petitioners have no concern either with the illicit liquor or with the vehicle in question and they are merely the driver and cleaner of the said bus in question, hence, they cannot be saddled with the liability of the recovered illicit liquor.

Per contra, Md. Matloob Rab, the learned APP 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 parties and taking into account the materials available on record as also considering the fact that the petitioners are merely the driver and cleaner of the bus in question, apart from the fact that they are having a clean



antecedent and are languishing in custody since a long time, I deem it fit and proper to admit the petitioners to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. Case No. 184 of 2021.

**(Mohit Kumar Shah, J)**

Tiwary/-

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