

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42552 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- BHAGWANPUR District- Vaishali

1. GYANENDRA KUMAR Son of Mahendra Singh Resident of Village- Jaunati 207 Main Street North east, P.S.- Kanjhawala, District- Sonipat (Haryana).
2. Sandeep Son of Ram Kumar Resident of Village- Haryana, P.S.- Sadar Gohara, District- Sonipat (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand, Adv.

For the Opposite Party/s : Ms.Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and
Ms. Veena Rani Prasad, the learned APP for the State.

The petitioners seek regular bail in connection with Bhagwanpur PS case no. 93 of 2021 instituted for the offences punishable under Sections 272, 273, 467, 468 of Indian Penal Code and 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of



1869.090 liters of illicit liquor from a truck and the petitioner no. 1 is stated to be the driver and petitioner no. 2 is stated to be the cleaner of the said truck.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 17.04.2021. The learned counsel for the petitioners has further submitted that the petitioners are merely the driver and cleaner of the said truck and they were not knowing about the contents of the consignment which had been loaded on the said truck, thus they cannot be saddled with the liability of the recovered illicit liquor.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that the petitioners are merely driver and cleaner of the truck in question, they are having clean antecedent as also are languishing in custody since a long time, I deem it fit and proper to admit the petitioners to the privilege of bail.



Accordingly, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Additional Sessions Judge II-cum-Excise Court, Vaishali at Hajipur in connection with Bhagwanpur PS case no. 93 of 2021.

(Mohit Kumar Shah, J)

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