

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42025 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- DAUDNAGAR District- Aurangabad

AKHILESH YADAV S/O CHANDRADEO YADAV R/O VILLAGE-
AJARKABE HASAULI, P.S-MUFFASIL, DISTRICT-AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
General Registration No. 642 of 2021 arising out of Daudnagar
P.S. Case No. 272 of 2021 for the offence registered under
Sections 420, 467, 468, 471 and 120(B) of the Indian Penal
Code and Sections 30(a), 34, 36 and 41(1) of the Bihar
Prohibition and Excise Act.

The allegation is regarding recovery of 4575 litres of
illicit liquor from a truck and the petitioner is stated to be 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 21.05.2021.
The learned counsel for the petitioner has further submitted by



referring to paragraph no. 7 of the petition that admittedly the petitioner is merely the driver of the truck in question and he was not having any knowledge about the contents of the consignment loaded on the said truck, hence he cannot be saddled with the liability of the illicit liquor recovered from the truck in question. It is also submitted that the provisions contained in Section 100 Cr.P.C. have not been complied with, hence the seizure stands vitiated in the eyes of law.

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 stated to be merely the driver of the truck in question who was not having any knowledge about the content of the consignment which had been loaded on the truck in question, 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 Sessions Judge-II-cum-Special Judge, Excise, Aurangabad in connection with General Registration No. 642 of 2021 arising out of Daudnagar P.S. Case No. 272 of 2021.

(Mohit Kumar Shah, J)

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