

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43130 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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SHASHI KUMAR Son of Johan Toppo Resident of Mohalla - Baridih, Police Station - Birshanagar, District - East Singhbhoom (Jharkhand) at present Resident of Mohalla - Sakchi, Police Station - Sakchi, District - East Singhbhoom (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-01-2022 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 petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Excise P.S. Case No. 110/2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



The allegation is regarding recovery of 792 liters of illicit foreign liquor from a Mahindra pick-up vehicle.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 19.3.2021. The learned counsel for the petitioner has referred to paragraph no. 11 of the present petition to submit that the vehicle in question does not belong to the petitioner. It is further submitted that since the petitioner is merely the driver of the vehicle in question, he was not having any knowledge about the contents of the consignment, which had been loaded on the said vehicle.

Per contra, 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 learned counsel for the petitioner and taking into account the materials



available on record as also considering the fact that the petitioner is merely the driver of the vehicle in question and has specifically stated in the present petition that he was not having any knowledge about the contents of the consignment loaded on the vehicle in question by the owner of the said vehicle, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since 19.3.2021, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IInd-cum-Special Judge, Excise Act, Gaya in connection with Excise P.S.Case No. 110 of 2021.

(Mohit Kumar Shah, J)

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