

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46564 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- PURNEA SADAR District- Purnia

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MUKESH KUMAR @ GUDDU Son of Aadal Singh Resident of Village -
Narsena, P.S.- Narsena, Dist.- Bulandshahr (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Kumar, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-01-2022 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
Mr. Khurshid Anwar, the learned APP for the State.

The petitioner seeks regular bail in connection with Sadar PS case no. 209 of 2020 instituted for the offences punishable under Section 30(A)/33/41 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 2637.720 liters of illicit foreign liquor from a truck which was being driven by the petitioner. It is also alleged that one other



truck was also apprehended by the police and from the said truck, huge quantity of illicit spirit was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 12.06.2020. The learned counsel for the petitioner has further submitted that the driver of the other truck, from which huge quantity of illicit spirit has been recovered, has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.06.2021, passed in Cr. Misc. no. 3205 of 2021. Lastly, it is submitted that admittedly, the petitioner is not the owner of the truck in question, hence he was not knowing about the contents of the consignment which had been loaded on the said truck.

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 petitioner is having a clean antecedent and is merely the driver and not the owner of



the truck in question, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge (Excise) Act, Purnea in connection with Sadar PS case no. 209 of 2020.

(Mohit Kumar Shah, J)

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