

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48131 of 2021**

Arising Out of PS. Case No.-99 Year-2021 Thana- GOPALPUR District- Gopalganj

DILIP YADAV S/o Hiralal Yadav R/o Village- Chiutaha, P.S.- Baikunthpur,
District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Srivastava, Advocate
For the Opposite Party/s : Mr.A.G.

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

2 03-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Gopalpur PS case no. 99 of 2021 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

The allegation is regarding recovery of 658.065
liters of illicit foreign liquor from a TATA Pick-up van.

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 30.05.2021. The learned counsel for
the petitioner has further submitted that admittedly, the petitioner is
the driver of the said Pick-up van, hence he was not having



knowledge about the contents of the consignment which had been loaded in the said Pick-up van, thus the petitioner cannot be saddled with the liability of the illicit foreign wine recovered from the said Pick-up van.

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 merely the driver of the Tata Pick-up van, from which, illicit wine has been recovered, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since about 09 months, 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 Additional District & Sessions Judge-II, Gopalganj in connection with Gopalpur PS case no. 99 of 2021.

(Mohit Kumar Shah, J)

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