

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48638 of 2021**

Arising Out of PS. Case No.-38 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. MD NIHAL Son of Md. Sakur Resident of Village - Jitapur, P.S.- Murliganj, Distt.- Madhepura.
 2. Brajesh Kumar Yadav Son of Jai Krishana Yadav Resident of Village - Vishanpur, P.S.- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

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

2 03-03-2022

Heard.

The petitioners seek regular bail in connection with Banka, Excise camp P.S. Case No. 38 of 2021, registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 430 liters of illicit liquor from a bolero pick up van and the petitioners are stated to be the driver and co-driver of the said pick up van.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are



languishing in custody since 11.03.2021. The learned counsel for the petitioners has further submitted that since the petitioners are the driver and co-driver of the vehicle in question, they were not having knowledge about the contents of the consignment loaded on the said pick up van, hence, they cannot be saddled with the liability of the illicit liquor recovered from the said pick up van.

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 parties and taking into account the materials available on record as also considering the fact that the petitioners are merely the driver and co-driver of the bolero pick up van in question apart from the fact that they are having a clean antecedent and are languishing in custody since a long time, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioners, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Court of



Additional Sessions Judge-II Banka cum Special Judge,
Excise Act, Banka in connection with Banka, Excise
camp P.S. Case No. 38 of 2021 .

(Mohit Kumar Shah, J)

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