

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48532 of 2021

Arising Out of PS. Case No.-148 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Mahendra Mochi @ Mahendra Ram S/o Laxman Ram R/o village- Naudiha,
P.S.- Patan, District- Palamu (Jharkahand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2022 Heard.

The petitioner seeks regular bail in connection with G.R. No. 553 of 2021, arising out of Aurangabad Town P.S. Case No. 148 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 1515 liters of illicit liquor from a pick up van and the petitioner is stated to be the driver of the said 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



13.4.2021. The learned counsel for the petitioner has referred to paragraph No. 7 of the present petition to submit that the petitioner was hired on daily wage as the driver of the said pick up van for the purposes of delivering the contents, hence, he was not having knowledge about the consignment of the consignment loaded on the pick up van in question, thus he cannot be saddled with the liability of the illicit liquor recovered from the 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 petitioner is merely the driver of the pick up van in question and he was not having knowledge about the contents of the consignment loaded on the said pick up van by the owner of the pick up van in question, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond



of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of Additional Sessions Judge-II-cum- Special Judge, (Excise), Aurangabad connection with G.R. No. 553 of 2021, arising out of Aurangabad Town P.S. Case No. 148 of 2021.

(Mohit Kumar Shah, J)

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