

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49855 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- TARARI District- Bhojpur

-
1. DEEPAK SINGH Son of Late Dharmendra Pal Singh Resident of Village - K.K. Nagar, Foundry Nagar, Baraich, P.S. Kuberpur, District - Agra (U.P.)
 2. Rakesh Kumar Son of Late Mahaveer Singh Resident of Village - Chhokai, P.o. - Jarkhi, P.S. Tundla, District - Firozabad, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-03-2022 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Tarari P.S. Case No. 96 of 2021 for the offence registered under Sections 30(a), 36 (i) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 1801.8 litres of illicit liquor which is stated to have been unloaded from a truck which was standing at the place of occurrence. The petitioners are stated to be the driver and co-driver of the truck in question.

The learned counsel for the petitioners has submitted



that the petitioners are innocent, have been falsely implicated in the present case and they are languishing in custody since 14.06.2021. The learned counsel for the petitioners has further submitted that the petitioners are merely the driver and co-driver of the truck in question, hence they were not aware about the contents of the consignment loaded on the truck, hence they cannot be saddled with the liability of the illicit liquor recovered from the place of occurrence.

Per contra, the learned counsel 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 petitioners and taking into account the materials available on record as also considering the fact that neither any illicit liquor has been recovered from the conscious possession of the petitioners nor the truck in question belongs to the petitioners and moreover the petitioners being merely the driver and co-driver of the truck in question, they are stated to be not aware about the contents of the consignment loaded on the said truck apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to direct for release of the petitioners herein on regular bail.



Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara in connection with Tarari P.S. Case No. 96 of 2021.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

