

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58513 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- FULKAHA District- Araria

Karan Kumar Yadav Son Of Saryug Yadav R/O Village- Hariraha, Ward
No.14, P.S.- Karjaeen, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2022 Heard.

The petitioner seeks regular bail in connection with Fulkaha P.S. Case No. 84 of 2021, corresponding to Special Case No. 543 of 2021 registered for the offence punishable under sections 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 405 liters of illicit Nepali liquor from the vehicle in question, which was being driven by the petitioner herein.

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 12.6.2021. The learned counsel for the petitioner has submitted that the petitioner is not the owner of the vehicle in question and it has been categorically mentioned in paragraph no. 11 of the present petition that after the vehicle was hired by the two co-accused persons, the owner of the vehicle had given the key of the vehicle to the petitioner to transport the consignment loaded in the said vehicle, hence, the petitioner was not knowing about the contents of the consignment, which had been loaded in the said vehicle.

Per contra, Shri Mritunjay Kumar Nirala, 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 vehicle in question, hence he was



not having knowledge about the contents of the consignment, which had been loaded in the said vehicle, 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 learned 2nd Addl. Sessions Judge cum Special Judge (Excise Act), Araria in connection with Falkaha P.S. Case No. 84 of 2021, corresponding to Special Case No. 543 of 2021.

(Mohit Kumar Shah, J)

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