

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60910 of 2021

Arising Out of PS. Case No.-397 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

1. NARESH Son of Late Pyar Singh Resident of Village - Chandni, P.S. - Pota Sahib, District - Sirmaur, (Himachal Pradesh).
2. AKSHAY KUMAR Son of Khushi Ram Resident of Village - Trimal, P.S. - Nahan, District - Sirmaur, (Himachal Pradesh).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-03-2022 Heard.

The petitioners seek regular bail in connection with Mohania P.S. Case No. 397 of 2021, registered for the offence punishable under sections 30(A) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck and the petitioner no.1 is stated to be the owner-cum driver while the petitioner no. 2 is stated to be the cleaner of the said truck.

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 10.9.2021. The learned counsel for the petitioners has further submitted that the petitioners were not knowing about the contents of the consignment loaded on the said truck by the consignee, hence, they cannot be saddled with the liability of the illicit liquor recovered from the said truck.

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 stated to be not having knowledge about the consignment loaded on the truck by the consignee apart from the fact that they are having clean antecedent and are languishing in custody since about six months, I deem it fit and proper to admit the petitioners to the privilege of regular bail.



Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court of Addl. Sessions Judge 2nd cum Special Judge (Excise), Kaimur at Bhabua in connection with Mohania P.S. Case No. 397 of 2021.

(Mohit Kumar Shah, J)

Tiwary/-

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

