

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61270 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- KOCHAS District- Rohtas

1. MUKESH KUMAR @ MUKESH KUMAR YADAV Son of Late Nand Ram Resident of Village- Kakar Chhaja, P.S.- Behor, District- Alwar (Rajasthan)
2. Rajendra Prasad Son of Late Thawarmal Resident of Village- Gunti, P.S.- Behror, District- Alwar (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Shekhar, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioners and
the learned APP for the State.

The petitioners seek regular bail in connection with Kochas PS case no. 79 of 2021 instituted for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016 and Sections 420, 120(B) of the Indian Penal Code.

The allegation is regarding recovery of 7983.360 liters of illicit liquor from a truck, from where the petitioner no. 1 was arrested and upon interrogation, he had disclosed that the petitioner no. 2, who is the cleaner of the truck in question and other had managed to flee away, however the petitioner no. 2 was arrested subsequently. It is further alleged that 43.20 liters of Indian made Foreign liquor was also recovered from a Hyundai car, however the persons who were



unloading the illicit liquor had fled away on seeing the police party.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 11.06.2021. The learned counsel for the petitioners has further submitted that the petitioners are merely the driver and cleaner of the truck in question, hence they were not knowing about the contents of the consignment loaded on the truck, as such they are not having any complicity in the matter. It is also submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 15.02.2022, 13.05.2022 and 23.05.2022 passed in Cr. Misc. no. 52145 of 2021, Cr. Misc. no. 54024 of 2021 and Cr. Misc. no. 57221 of 2021 respectively.

Per contra, the learned A.P.P. 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 parties and taking into account the parity of the case of the petitioners with that of the co-accused persons who have already been granted bail by co-ordinate Benches of this Court,



apart from the fact that the petitioners are merely the driver and cleaner of the truck in question, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Special Judge (Excise), Rohtas at Sasaram.

(Mohit Kumar Shah, J)

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