

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62175 of 2021**

Arising Out of PS. Case No.-412 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Rahul Yadav S/O Mahendra Yadav @ Mahendra Singh R/O Village-Kothuan,
P.S-Agiaon Bazar, District-Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 31-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Mohania PS case no. 412 of 2021 instituted for the offences
punishable under Sections 30(a), 41(i) of Bihar Prohibition and
Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 1252.800
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 16.09.2021. The learned counsel for
the petitioner, by referring to paragraph no. 9 of the present



petition, has further submitted that the petitioner is neither the owner of the Pick-up van in question nor the owner of the articles loaded on the said Pick-up van. It has also been submitted by referring to paragraph no. 7 of the present petition that the petitioner was contacted by one Jitu and the said Jitu had hired the petitioner for the purposes of driving the Pick-up van and taking it to its destination, hence the petitioner was not knowing about the consignment loaded on the said Pick-up van, as such, the petitioner has got no complicity in the matter.

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 materials available on record as also considering the fact that the petitioner is neither the owner of the Pick-up van in question nor the owner of the articles loaded on the said Pick-up van apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since about 06 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of 2nd Additional Sessions Judge-cum-



Special Judge, Kaimur at Chapra in connection with Mohania PS
case no. 412 of 2021.

(Mohit Kumar Shah, J)

rinkee/-

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

