

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69450 of 2021**

Arising Out of PS. Case No.-373 Year-2021 Thana- GAYA MUFASIL District- Gaya

JHULAN MAHTO Son of Jagannath Mahto Resident of Village- Biratiya,
P.S.- Turkauliya, District- Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh
For the Opposite Party/s : Mr.Rajesh Kumar

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

2 08-06-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Gaya Mufasil P.S. Case No. 373/2021, registered for the offence punishable under Sections 420, 467, 468, 471 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having apprehended a truck and upon search, 6000 liters of illicit spirit was recovered. The petitioner is stated to be the driver of the truck in question and was arrested from the spot.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 6.8.2021. The learned counsel for the petitioner has further submitted that the petitioner is merely the driver of the truck in question, hence, he was not having any knowledge about the contents of the articles loaded in the said truck, thus, he 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 learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is merely the driver of the truck in question and not the owner of the same, apart from the fact that he is having a clean



antecedent and he is languishing in custody since about 10 months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IInd-cum-Special Judge (Excise Act), Gaya, in connection with Gaya Muffasil P.S.Case No. 373 of 2021.

(Mohit Kumar Shah, J)

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