

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.69023 of 2021**

Arising Out of PS. Case No.-122 Year-2021 Thana- VIDYAPATINAGAR District-  
Samastipur

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CHANDAN KUMAR S/o- Mahesh Prasad Singh @ Mahesh Kumar Singh  
Resident of Village - Fatehpur, Pasitol, P.S. - Tajpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Prakritita Sharma, Advocate  
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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

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

The petitioner seeks regular bail in connection with  
Vidyapati Nagar P.S. Case No. 122 of 2021 for the offence  
registered under Sections 272 and 273 of the Indian Penal Code  
and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 2088.225 litres  
of illicit foreign liquor from a truck after it was apprehended by  
the police and search was made. 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, has been falsely implicated in the  
present case, is having a clean antecedent and he is languishing



in custody since 25.09.2021. The learned counsel for the petitioner has submitted that the petitioner is merely the driver of the truck in question and he is neither the owner of the truck in question nor the owner of the illicit liquor. It is also submitted that the petitioner was not knowing about the freight loaded on the said truck by the owner of the goods, hence he cannot be saddled with the liability of the illicit liquor recovered from the truck in question.

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 the driver of the truck in question and not the owner apart from the fact that he is having a clean antecedent and is languishing in custody since 25.09.2021, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-



Special Judge (Excise), Samastipur in connection with  
Vidyapati Nagar P.S. Case No. 122 of 2021.

**(Mohit Kumar Shah, J)**

S.Sb/-

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