

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69006 of 2021**

Arising Out of PS. Case No.-36 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

MD. AFTAB @ MD. AFTAB SHEKH S/O MD. MUZAHID SHEKH @ MD.
MUJAHIR R/o village- Garha, Ward No. 9, P.O.- Garha, P.S.- Pupri, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg, Advocate
Mr. Sanjiv Kumar Pathak, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

**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
Sadar Circle Excise Case No. 36 of 2021 for the offence
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding the police having
intercepted a pick up van and on search 692.280 litres of illicit
liquor and 240 litres of bear was recovered. The petitioner is
stated to be arrested from the spot and is stated to be the driver
of the pick up van in question.

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 09.11.2021. The learned counsel for the petitioner has further submitted that the petitioner is merely the driver of the pick up van in question, hence he was not knowing about the freight loaded in the said pick up van. It is also submitted that admittedly the petitioner is not the owner of the pick up van 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 merely the driver of the pick up van in question and not the owner of the same apart from the fact that he is having a clean antecedent and is languishing in custody since more than six months, 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 District and Sessions Judge-
2nd-cum-Special Judge (Excise), Araria in connection with
Sadar Circle Excise Case No. 36 of 2021.

(Mohit Kumar Shah, J)

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