

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69887 of 2021**

Arising Out of PS. Case No.-680 Year-2021 Thana- FATUA District- Patna

IRSHAD ANSHARI @ IRSHD ANSARI @ ISHAD ANSARI S/o Samaudin
Anshari @ Samaudin Ansari Resident of Talatand Rambagh, P.S.- Patratu,
District- Ramgarh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yatindra Narayan

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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

2 08-06-2022 Heard.

The petitioner seeks regular bail in connection with Fatuha P.S. Case No. 680 of 2021 (Special Case No. 5589 of 2021), registered for the offence punishable under sections 272/273 of the Indian Penal Code and sections 30(a)/33/34/36/36/56C of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having apprehended an alto car and a truck and upon search 1750 liters of illicit raw spirit was recovered, whereafter the petitioner and other co-accused persons were arrested from the spot. The



petitioner is stated to be the driver of the truck 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 is languishing in custody since 09.09.2021. 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 aware about the contents of the articles loaded on the truck by the owner, thus, the petitioner cannot be saddled with the liability of the raw spirit seized from the said vehicle.

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 parties 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, he is having a clean antecedent and is languishing in custody



since nine months, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise, Patna in connection with Fatuha P.S. Case No. 680 of 2021.

(Mohit Kumar Shah, J)

Tiwary/-

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

