

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59682 of 2022

Arising Out of PS. Case No.-330 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Dinesh Kumar Yadav S/O - Rajendra Ray R/O Village- Madhopur, P.S-
Sahebganj, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Motipur P.S. Case No. 330 of 2022 registered
for the alleged offences under Section 30(a), 36 and 41(1) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, on suspicion secret
information that the petitioner and other co-accused persons
were apprehended by the police with their truck and recovery of
1073.4 litres of India made foreign liquor was made from the
said truck. The petitioner is said to be the driver of the truck.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner is not the owner of the truck and he is merely a driver and he has no knowledge about the illicit liquor loaded on the truck. The petitioner was given information by the transporter that paint was loaded on the truck. Nothing incriminating has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 14.09.2022 and he is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is stated to be the driver and further considering the period of the custody along with his clean antecedent and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.II, Muzaffarpur in connection with Motipur P.S. Case No. 330 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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