

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42680 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- SARAI District- Vaishali

VIVEK YADAV Son of Sudheer Yadav @ Sushul Yadav Resident of village-
Bodhpatti PS- Sighramau, District- Jaunpur, Uttarpradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Sarai PS case no. 197 of 2022 instituted for the offences punishable under Section 420 and other allied sections of the Indian Penal Code and Sections 30(a), 31, 32, 36, 41(1) of Bihar Prohibition & Excise (Amendment) Act, 2018.

The allegation is regarding recovery of huge quantity of illicit foreign liquor from a truck and the petitioner was arrested from the spot, who is stated to be the driver of the said truck.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is



languishing in custody since 20.06.2022. The learned counsel for the petitioner has further submitted that since the petitioner is merely the driver of the truck in question, he was not aware about the consignment loaded on the said truck, hence, he cannot be saddled with the liability of the 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 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, from which, huge quantity of illicit liquor has been recovered apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since more than 06 months, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive



Special Excise Court no. 2-cum-Additional District &
Sessions Judge, Hajipur at Vaishali in connection with Sarai
PS case no. 197 of 2022.

(Mohit Kumar Shah, J)

rinkee/-

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

