

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70658 of 2022

Arising Out of PS. Case No.-539 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

SANDEEP DAILA S/O Om Prakash R/O Village- Makro P.S- Buhana
District- Jhunjhun (Rajasthan)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Excise Case No.132 of 2022 arising out of Mohania P.S. Case No.539 of 2021, registered for the offences punishable under Sections 30(a), 36, 41(1) of the Bihar Prohibition & Excise (Amendment) Act, 2018 & Sections 420, 467, 468, 471/34 of the Indian Penal Code.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck and the petitioner is stated to be the driver of the said truck.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 17.11.2021. The learned counsel for the petitioner has further submitted that the petitioner is merely the driver of the truck in question and, hence, he was not aware of the consignment loaded on the said truck, thus, 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, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since more than one year as also he is merely the driver of the truck in question, I deem it fit and proper to direct for



release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-4th-cum-Special Judge Excise, Kaimur at Bhabhua in connection with Excise Case No.132 of 2022 arising out of Mohania P.S. Case No.539 of 2021.

(Mohit Kumar Shah, J)

kanchan/-

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

