

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69545 of 2022

Arising Out of PS. Case No.-237 Year-2022 Thana- VIJAYEPUR District- Gopalganj

1. SHIVA YADAV SON OF MUNNA YADAV R/O VILL.- DIHA KHURD,
P.S.- RAMPUR KARKHANA, DISTT.- DEORIA (UP)
2. MONU YADAV @ MONU SON OF SRI PRASAD R/O VILL.-
KONHAVALIYA, P.S.- TARKULWA, DISTT.- DEORIA (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Vijaipur P.S. Case No. 237 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 492.480 litres of illicit liquor from an Innova vehicle and the petitioner no.1 is stated to be the driver of the said vehicle, whereas the petitioner no. 2 is stated to be the passenger.



The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 13.10.2022. The learned counsel for the petitioners has further submitted that the petitioner no. 2 had taken lift in the said car, hence he is not having any complicity in the alleged occurrence, whereas the petitioner no. 1 is merely the driver of the car in question, hence he was not aware about the consignment loaded on the said vehicle. Lastly, it is submitted that the vehicle in question does not belong to the petitioners.

Per contra, the learned A.P.P. 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 petitioners and taking into account the materials available on record as also considering the fact that the vehicle in question does not belong to the



petitioners, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Vijaipur P.S. Case No. 237 of 2022.

(Mohit Kumar Shah, J)

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