

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71367 of 2022

Arising Out of PS. Case No.-462 Year-2022 Thana- SAHARSA SADAR District- Saharsa

MANOJ KAUSHIK Son of Binod Sharma @ Vinod Kumar @ Vinod R/o
village - Basi - 1, P.S.- Khekra, District - Bagpat (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha.1, 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 Saharsa Sadar PS case no. 462 of 2022 instituted for the offences punishable under Sections 30(a), 41 of Bihar Prohibition and Excise (Amendment) Act, 2022.

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

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 30.06.2022. The learned counsel for the petitioner has further submitted that since the petitioner is



merely cleaner of the truck in question, he was not aware of the consignment having been loaded on the said truck, hence, the petitioner has got no complicity in the matter.

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 not the owner of the truck in question and is merely the cleaner and he is having a clean antecedent, 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 Additional Sessions Judge II-cum-Special (Excise) Judge, Saharsa in connection with Saharsa Sadar PS case no. 462 of 2022.

(Mohit Kumar Shah, J)

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