

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72433 of 2022

Arising Out of PS. Case No.-1032 Year-2022 Thana- SHERGHATI District- Gaya

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1. MUKESH YADAV SON OF SRI DASARATH YADAV R/O VILL.-
CHAPRI, P.S.- SONO. DISTT.- JAMUAI
 2. LALA MISTRY SON OF LATE BHOLA MISTRY R/O VILL.- KOIERI
PATRA, P.S.- LESLIGANJ, DISTT.- PALAMU (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Sherghati P.S. Case No. 1032 of 2022 registered for the offences punishable under Sections 30(a), 32(ii) (iii) and 41(i) (ii) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 1323 litres of illicit liquor from a Tata 407 truck and the petitioners who were arrested from the spot are stated to be the driver and cleaner of the said truck in question.

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 06.11.2022. The learned counsel for the petitioners has further submitted that the petitioners are merely the driver and cleaner of the truck in question and they are not the owner of the truck, hence they were not aware about the consignment loaded on the truck, hence they are not having any complicity in the matter.

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 petitioners are merely the driver and cleaner of the truck in question, I deem it fit and proper to admit the petitioners 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 Exclusive Special Excise
Court No. 2, Gaya in connection with Sherghati P.S.
Case No. 1032 of 2022.

(Mohit Kumar Shah, J)

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