

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52094 of 2026

Arising Out of PS. Case No.-477 Year-2026 Thana- KISHANGANJ District- Kishanganj

Mahboob Khan S/O Anvaar Khan Resident of Miraganj, P.S.- Mirganj,
District- Bareilly, Uttar Pradesh- 243504

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER

2 29-07-2026 Heard the learned counsel appearing on behalf of
the petitioner and the learned APP appearing on behalf of the
State.

2. The petitioner seeks regular bail in connection
with Kishanganj P.S. Case No. 477 of 2026, registered for the
offence under Sections 338, 336(3), 340(2), 318(4), 111(3),
111(4), 3(5) of the Bhartiya Nyaya Sanhita.

3. As per the prosecution case, on the direction of
the Joint Commissioner of State Tax, Kishanganj Circle, the
informant was authorized to verify and take necessary action
regarding a coal-laden truck. During verification of the GST
invoice, e-way bill and other documents supplied by the police,
it was found that the tax invoice contained discrepancies,
including an incorrect year of issuance. Further, enquiry



revealed that the GST number mentioned in the invoice was registered in Meghalaya, whereas the place of business was shown as Assam, thereby raising suspicion regarding the genuineness of the documents. During investigation, the co-driver allegedly fled from the spot with the driver's mobile phone on seeing the police. The driver disclosed the names of the vehicle owner, the owner's son and the transporter and stated that the coal had been loaded in Assam for transportation to Araria.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel further submits that from perusal of the FIR itself, it will transpire that the petitioner has disclosed that transporters have given him GST Bills, therefore, he was not aware of the fact that the GST Bills and e-way-Bill provided to him were fake and invalid. It has further been submitted that this is the fault of the transporters and not of the petitioner. It has been further submitted that the petitioner is illiterate driver and he was not well-versed with the documents which he was handed over. It has been further submitted that the petitioner is the driver and not the owner of the vehicle in question. It has lastly been submitted that the petitioner has no



criminal antecedent and he is in judicial custody since 05.05.2026.

5. Per Contra, the learned APP for the State vehemently opposed the prayer for grant of regular bail.

6. Considering the aforesaid facts and circumstances of the case and also the fact that the petitioner is the driver and not the owner of the said vehicle as well as the fact that the petitioner has no criminal antecedent along with the period of custody undergone by him, let the above named petitioner be released on bail, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 477 of 2026.

(Girijish Kumar, J)

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