

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23454 of 2018

Arising Out of PS.Case No. -46 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District -
NALANDA (BIHARSHARIFF)

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Hira Rai Son of Jhunu Rai@ Bhulu Rai @ Bhunu Rai Resident of Village
Mogalpura, Jethule, Bighapar, P.S. Bakhtiyarpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 19-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 30(a) and 37(b) of the Bihar
Prohibition and Excise Act, 2016.

600 litres of country made liquor is said to have
been recovered from the Tata Magic and the petitioner who
happens to be driver of the said vehicle was apprehended in
inebriated condition while its owner managed to escape seeing the
police party.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no concern



with the seized liquor. He happens to be driver of the said vehicle and had no knowledge of keeping of the said liquor in the box made in the car by its owner rather he was plying the said car on the instruction of his owner. He had also not consumed any liquor. He happens to be teetotaler. He has no criminal antecedent. He has been languishing in custody since 02.02.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned VI Addl. Sessions Judge cum Special Judge, Excise, Nalanda, Bihar Sharif in connection with Excise Case No. 46C3 Ex/18.

(Prakash Chandra Jaiswal, J)

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