

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26763 of 2018

Arising Out of PS.Case No. -283 Year- 2017 Thana -SAHEBGANJ District- MUZAFFARPUR

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Raj Kumar, Son of Awas Singh, resident of Village- Duheta, P.S.- Ganour,
District- Sonipat (Haryana).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 27-06-2018 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 272, 273 and 414/34 of the
Indian Penal Code and Sections 30(a), 32(2), 38(2) and 14(1) of
the Bihar Prohibition and Excise Act, 2016.

2911.680 litres of foreign liquor is said to have been
recovered from the truck and the petitioner who happens to be its
driver was apprehended.

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 mere driver of the vehicle



and he had no knowledge of keeping of the said liquor in the said vehicle. He has no criminal antecedent. He has been languishing in custody since 04.10.2017.

On the other hand, learned APP opposing the prayer for bail submitted that the petitioner happens to be driver of the said vehicle and huge quantity of foreign liquor has been recovered from the aforesaid vehicle. Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, the petitioner may renew his prayer for bail after framing of charge.

(Prakash Chandra Jaiswal, J)

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