

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21808 of 2019

Arising Out of P.S. Case No.-266 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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BRAJESH KUMAR S/o Late Chet Ram, aged about 32 years, Male, R/o
village- Nagla Kewal, P.S.- Dehat Kotwali, District- Etah (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
18.11.2018 in connection with Excise Case No.266 of 2018 for
the offence alleged under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case as lodged by the Excise
Officials is that a truck was intercepted which was being driven
by the petitioner and on search from the truck 6,000 liters of
spirit was recovered who revealed that the said illicit spirit did
not belong to him but one Sanjay Kumar and others who were
engaged in trade of illicit spirit. The said co-accused Sanjay
Kumar was not apprehended.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent, was
just the driver of the said truck and did not know that in the



barrels illicit spirit was concealed. He further submits that nothing has been recovered from his conscious possession and he is languishing in judicial custody since more than four months, chargesheet having been submitted, there being no allegation of tampering with the prosecution evidence or witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody as well as the fact that the petitioner was a just driver and does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Excise Case No.266 of 2018 to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

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(Nilu Agrawal, J)

