

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10221 of 2020

Arising Out of PS. Case No.-820 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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MUKESH RAI Son of Ram Jivan Ray Resident of Village - Araiya, P.S.-
Patory, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 08-06-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Excise Case No. 820 of 2019, P.R. No. 28 of 2019-20, disclosing offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amended) Act, 2018.

The petitioner is in custody since 10.11.2019. As per the prosecution report, 2610.720 litres of foreign liquor was recovered by the excise officials from a truck which the petitioner was driving. He was apprehended on the spot.

Learned counsel appearing on behalf of the petitioner has submitted that recovery of liquor cannot be said to be from the petitioner's possession because he was merely driving the vehicle in question.



I do not find any force in submission made on behalf of the petitioner that the petitioner cannot be said to be in possession of the liquor on the ground that he was merely driving the vehicle.

Considering the said aspect of the matter and huge quantity of liquor said to have been recovered, I am not inclined to grant the petitioner privilege of regular bail.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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