

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3094 of 2020

Arising Out of PS. Case No.-357 Year-2019 Thana- MANJHI District- Saran

RAJESH KUMAR Son of Satpal Singh @ Satya Pal Resident of Village -
Raushanpur, P.S.- Dankaur, Distt.- Gautambudha Nagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Satyendra Kumar Srivastava
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Manjhi P.S. Case No. 357 of 2019 for the offence punishable
under Sections 30/ 30(a)/ 38(i)(ii) of the Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding the petitioner having been
apprehended by the police while he was driving a truck and
upon search, huge quantity of illicit english wine was recovered
from the truck.

The learned counsel for the petitioner has submitted
that the petitioner is innocent and has been falsely implicated in
the present case, he is having a clean antecedent and is
languishing in custody since 19.11.2019. It is further submitted
that admittedly, even as per the FIR, the petitioner is the driver



of the alleged truck from which the illicit liquor has been recovered, hence alleged recovery of illicit liquor cannot be attributed to the petitioner, since he was not having knowledge as to what was being transported in the said truck by the consignor/ transporter.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioner coupled with the fact that the petitioner is having a clean antecedent, is languishing in custody since 19.11.2019 and is only the driver of the truck in question, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned ^{2nd} Additional Sessions Judge cum Special Judge Excise, Saran in connection with Majhi P.S. Case No. 357 of 2019.

(Mohit Kumar Shah, J)

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