

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43062 of 2021

Arising out of PS. Case No.-198 Year-2021 Thana- MASHRAK District- Saran

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KAMLESH KUMAR RAM @ KAMLESH KUMAR RAY S/O LATE
YOGENDRA RAM R/o village- Kawalpura, P.S.- Mashrak, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-02-2022 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mashrakh P.S. Case No. 198 of 2021 for the offence registered
under Sections 30, 30(a) and 38/41 of the Bihar Prohibition and
Excise Act.

The allegation is regarding recovery of 600 litres of
illicit liquor from a Bolero vehicle, after the same was
intercepted and search was conducted by the police. The
petitioner is stated to be the driver of the said vehicle.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and is languishing
in custody since 15.04.2021. The learned counsel for the



petitioner has further submitted that at best the petitioner can be stated to be the driver of the vehicle in question, however, he is not concerned either with the illicit liquor or the vehicle in question. It is also submitted that the petitioner was not apprehended from inside the vehicle as has been categorically stated in paragraph no. 7 of the present petition, hence it cannot be said that the illicit liquor was recovered from the conscious possession of the petitioner.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner at best can be said to be merely the driver of the vehicle in question apart from the fact that he is having a clean antecedent and he is languishing in custody since 15.04.2021, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Session Judge-cum-Special



Judge Excise, Saran in connection with Mashrakh P.S. Case No.
198 of 2021.

(Mohit Kumar Shah, J)

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