

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46258 of 2021

Arising Out of PS. Case No.-223 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

BIJENDRA KUMAR S/o- BIDHYA RAI Resident of Village-
Kutubuddinpur, Police Station- Nababganj, District- Farukhabad (Uttar
Pradesh)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-02-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kuchaikote P.S. Case No. 223 of 2021 for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise act, 2018.

The allegation is regarding recovery of 1251 litres of
illicit liquor from a truck and the petitioner is stated to be the
driver of the truck in question.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 05.06.2021.
The learned counsel for the petitioner has further submitted that
since the petitioner is merely the driver of the truck in question,
he was not having any knowledge about the contents of the
consignment which had been loaded on the truck, hence the



petitioner cannot be saddled with the liability of the illicit liquor recovered from the said truck in question.

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 is merely the driver of the truck in question who is having a clean antecedent and is languishing in custody since 05.06.2021, 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 Additional District and Sessions Judge-II-cum-Special Judge Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 223 of 2021.

(Mohit Kumar Shah, J)

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