

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49307 of 2021

Arising Out of PS. Case No.-244 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

KRISHNA KUMAR S/o- Ghanshyam Lal Sah Resident of Village-
Bariyarpur, P.S.- Warish Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-03-2022 Heard.

The petitioner seeks regular bail in connection with Kuchaikot P.S. Case No. 244 of 2021, registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

At the outset, the learned counsel for the petitioner has submitted that the date of custody of the petitioner has been wrongly mentioned in the present petition as '24.07.2021' instead of 15.06.2021. The said oral submission of the learned counsel for the petitioner is noted and it is directed that it be deemed that the petitioner is in custody since 15.06.2021.

The allegation is that while the informant along with the police force was engaged in checking vehicle coming from the State of Uttar Pradesh, at



about 2.30 hours in the night, four persons including the petitioner, who were travelling in a maruti suzuki artika car, tried to flee away upon seeing the police, however, the said vehicle was intercepted and upon search 85.125 liters of illicit english wine was recovered. 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 15.06.2021. It is further submitted that admittedly since the petitioner is the driver of the vehicle in question, he was not knowing about the articles/illicit liquor etc. being carried by the occupants of the said vehicle in question.

Per contra, Mr. Nawal Kishore Prasad, the learned APP 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 parties and taking into account the materials available on record as also considering the fact that the petitioner is merely the driver of the vehicle in



question apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of Addl. District and Sessions Judge-II cum Spl Judge, Excise, Gopalganj in connection with Kuchaikot P.S. Case No. 244 of 2021.

(Mohit Kumar Shah, J)

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