

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40107 of 2021**

Arising Out of PS. Case No.-137 Year-2021 Thana- BAUSI District- Purnia

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DHANNANJAY SARKAR Son of Sujit Sarkar Resident of Village- Falakata,
P.S. Falakata, Dist- Alipur Duar (West Bangal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-12-2021 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Bayasi PS case no. 137 of 2021 instituted for the offences
punishable under Sections 272, 273 of Indian Penal Code and
30(a), 41, 47 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 801
liters of illicit liquor from a Bolero Pick-up van.

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 03.05.2021. The learned counsel
for the petitioner has further submitted that the petitioner is not
the owner of the vehicle in question but he is merely the driver



of the same, hence he was not aware about the contents of the consignment loaded on the said vehicle.

Per contra, the learned A.P.P. 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 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 and is languishing in custody since 03.05.2021, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge (Excise), Purnia in connection with Bayasi PS case no. 137 of 2021.

(Mohit Kumar Shah, J)

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