

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39061 of 2021**

Arising Out of PS. Case No.-209 Year-2020 Thana- PURNEA SADAR District- Purnia

VIDUTYA BISWAS @ BIDYUT BISWAS @ VIDYUT BOSWAS @
BIDDAT BISWAS S/O BISHNU PODO BISWAS @ BISHUPADA R/O
RASKAWA, P.S-KARANDIGHI, DISTRICT-UTTAR DINAJPUR (WEST
BENGAL).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Fazle Karim, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 27-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Purnea Sadar PS case no. 209 of 2020 instituted for the offences punishable under Sections 272, 273 of Indian Penal Code and Sections 30(a), 33, 41 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of a huge quantity of spirit from a truck and the petitioner is stated to be



the driver of the said truck.

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 12.06.2020. The learned counsel for the petitioner has further submitted that similarly situated co-accused person namely Devkant Bishwas @ Debu who is the cleaner of the truck in question, has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.06.2021, passed in Cr. Misc. no. 3205 of 2021. It is next submitted that since the petitioner is merely the driver, he was not knowing about the contents of the consignment, which had been loaded on the said truck, hence he cannot be saddled with the liability of the alleged recovered illicit spirit from the said truck.

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 parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a co-ordinate Bench of this Court, apart from the fact



that the petitioner is stated to be merely the driver of the truck in question, 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), Purnea in connection with Purnea Sadar PS case no. 209 of 2020.

(Mohit Kumar Shah, J)

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