

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39365 of 2021**

Arising Out of PS. Case No.-83 Year-2021 Thana- KARJA District- Muzaffarpur

SANJAY KUMAR Son of Surendra Ray Resident of Village- Bhagwanpur,
P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.

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

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

2 28-01-2022 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 Sri Nagendra Prasad, the learned APP for the State.

The petitioner seeks regular bail in connection with Karja PS case no. 83 of 2021 instituted for the offences punishable under Sections 307 and other allied sections of Indian Penal Code and 30(a), 45 of Bihar Prohibition and Excise Act, 2016-18, and 4/40 of Bihar Mines and Minerals Act.

The allegation is regarding recovery of 387.270 liters of illicit foreign liquor from a Pick-up van and the petitioner is stated to be the driver of the said 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 07.04.2021. The learned counsel for the petitioner has further submitted that the co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2021, passed in Cr. Misc. no. 36834 of 2021. Lastly, it is submitted that the petitioner is not the owner of the pick-up van in question, as such he was not knowing about the contents of the consignment which had been loaded on the said Pick-up van.

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 as also considering the fact that the petitioner is having a clean antecedent and is merely the driver of the pick-up van 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), Muzaffarpur in connection with Karja PS case no. 83 of 2021.

(Mohit Kumar Shah, J)

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