

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42248 of 2021**

Arising Out of PS. Case No.-287 Year-2021 Thana- BARACHATTI District- Gaya

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VIJAY KUMAR RAY @ VIJAY KUMAR Son of Sitaram Ray Resident of
Village - Atraulia, P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

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

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

2 06-01-2022 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 Harendra Prasad, the learned APP for the State.

The petitioner seeks regular bail in connection with Barachatti PS case no. 287 of 2021 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery 1062.720 liters of illicit liquor from a 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 14.05.2021. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 9 of the present petition that the petitioner is neither the owner nor the driver of the said truck in question and he had only taken a lift in 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 has categorically stated in the present petition that he is neither the driver nor the owner of the truck in question and had merely taken lift for the purposes of going to his destination, 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 Additional Sessions Judge II-cum-Special Judge, Excise, Gaya in connection with Barachatti PS case no. 287 of 2021.

(Mohit Kumar Shah, J)

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