

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47329 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- BAISI District- Purnia

NIRAJ KUMAR Son of Ram Shankar Rai @ Rama Shankar Ray Resident of
Village - Senduari, P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 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
Baisi PS case no. 177 of 2021 instituted for the offences punishable
under Sections 272, 273 of Indian Penal Code and Sections 30(a),
41, 47 of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 774 liters
of illicit liquor 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 22.06.2021. The learned counsel for
the petitioner, by referring to paragraphs no. 7 and 8 of the present



petition, has further submitted that the petitioner had been engaged on daily wages as a driver by the owner of the truck for the purposes of driving the truck in order to deliver the consignment loaded upon the same, hence it is submitted that the petitioner was not aware about the contents of the consignment loaded on 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 fact that the petitioner is merely the driver of the truck in question, he is having a clean antecedent and is languishing in custody since 22.06.2021, 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, Purnea in connection with Baisi PS case no. 177 of 2021.

(Mohit Kumar Shah, J)

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