

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51555 of 2021

Arising Out of PS. Case No.-248 Year-2021 Thana- BARACHATTI District- Gaya

MD. ZISHAN S/O MD. RIYAZ @ MD. REYAJ @ MOHAMMAD RIYAJ
R/o village- Diyaman, P.S.- Kare Pasurai, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-03-2022 Heard the learned counsel for the petitioner and Sri
Krishna Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with
Barachatti PS case no. 248 of 2021 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 828 liters of
illicit foreign made liquor from a Mini Truck after the same was
intercepted by the police and the petitioner is stated to be the driver
of the said Mini Truck.

The learned Senior 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 18.04.2021. It is further submitted that the petitioner is
merely the driver of the Mini Truck, hence he was not knowing about



the contents of the consignment loaded on the said truck, thus the petitioner is having no complicity in the alleged crime.

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 and is having a clean antecedent as also is languishing in custody since about 11 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the 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 Act, Gaya in connection with Barachatti PS case no. 248 of 2021.

(Mohit Kumar Shah, J)

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