

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70056 of 2021

Arising Out of PS. Case No.-711 Year-2021 Thana- LAKHISARAI District- Lakhisarai

VIJAY KUMAR Son of Bharat Mandal Resident of Village - Heru Diyara
Kali Asthan, P.S. Safiya Sarai, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rekha Prasad

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-06-2022 Heard.

The petitioner seeks regular bail in connection with Lakhisarai (Kawaiya) P.S. Case No. 711 of 2021 of 2021, registered for the offence punishable under sections 30(a)/32(iii) of the Bihar Prohibition and Excise Act, 2018 .

The police is stated to have apprehended a truck and from the same 1003 liters of illicit Indian made foreign liquor was recovered and the petitioner was apprehended from the spot, who is stated to be the cleaner of the truck in question. It is also alleged that the driver of the said truck was also apprehended.



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 22.10.2021. The learned counsel for the petitioner has further submitted that since the petitioner is the cleaner of the truck in question, he was having no knowledge about the contents of the articles loaded on the truck, hence, he cannot be saddled with the liability of the illicit liquor recovered from the said truck.

Per contra, the learned APP 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 parties and taking into account the materials available on record as also considering the fact that the petitioner is merely the cleaner of the truck in question, apart from the fact that he is having a clean antecedent and is languishing in custody since six months, I deem it fit and proper to admit the petitioner to the



privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of 2nd Additional Sessions Judge cum Special Judge (Excise), Lakhisarai in connection with Lakhisarai (Kawaiya) P.S. Case No. 711 of 2021.

(Mohit Kumar Shah, J)

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