

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46410 of 2016

Arising Out of PS.Case No. -344 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Deepu Kumar son of Latangi Sao, resident of Village- Nauranga, P.S. Muffasil, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Paras Nath, Adv.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-10-2016 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 02.08.2016 in connection with Muffasil P.S. Case No. 344 of 2016 for the alleged offences under Section 414 of the Indian Penal Code and Section 47 of the Bihar Excise Amendment Act, 2016.

3. It is submitted that the petitioner has been falsely implicated as he is merely the driver of the *tempo* from which the recovery of the English wine was made. The petitioner did not have knowledge of the contents of the cartoon which was loaded on the *tempo* by the accused persons Santosh Sao, Gore Sao and Mukesh Sao on the pretext that they were medicines. In any event, mere possession of foreign liquor does not *prima facie* constitute the ingredients of the offence alleged in view of the order of this Court dated 30.09.2016 passed in Cr. W.J.C. No. 533 of 2016 (*Ram Sumir Sharma vs. The State of Bihar*). It is further submitted that pending trial the petitioner has been sufficiently punished having already suffered custody since 02.08.2016.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be

released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 344 of 2016 on the following conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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