

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7489 of 2020

Arising Out of PS. Case No.-638 Year-2019 Thana- KATIHAR District- Katihar

DEEPAK KUMAR @ DEEPAK GUPTA Son of Nand Kumar Gupta Resident
of Durgapur, Laliyahi, P.S.- Katihar, Distt - Katihar.

.. ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Bachan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner in this case is seeking anticipatory bail
in connection with Katihar Nagar P.S. Case No. 638 of 2019
registered for the offence punishable under Section 30(a) of
Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the
petitioner was not present in the car from which the liquor is
said to have been recovered. The vehicle from which the liquor
has been recovered the petitioner has no concern and name of
the petitioner has come in the statement of co-accused Jitendra
Poddar.

Learned APP has opposed the prayer for anticipatory
bail of the petitioner.



Considering the facts and circumstances of this case wherein it is the submission of learned counsel for the petitioner that the vehicle in question from which the illicit liquor has been recovered belongs to co-accused Jittendra Poddar who has been apprehended by the Police with the illicit liquor and there is no allegation that the petitioner was present in the said car and further that no illicit liquor has been recovered from his possession and that the petitioner has been made accused in this case on the statement of said Jitendra Poddar saying that the petitioner is also involved in the offence, save and except that statement, there is no other material, the petitioner has no criminal antecedent, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today in connection with Katihar Nagar P.S. Case No. 638 of 2019 be released on bail on furnishing of bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount to the satisfaction of learned A.D.J. II-cum-Special Judge, Excise, Katihar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required:



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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