

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30409 of 2020**

Arising Out of PS. Case No.-95 Year-2020 Thana- NALANDA District- Nalanda

DEEPAK KUMAR S/o Jagdish Prasad R/o Vill.-Meharpar, P.S.-Laheri,
Distt.-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr Akbar Ali, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Akbar Ali, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Nalanda Police Station (for brevity, *PS*) Case No 95 of 2020 instituted for the offence



punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case alleges that one Ritesh Kumar was unloading illicit liquor who has been apprehended. He has stated that the same was delivered to him by the petitioner and that the petitioner has left the place on a car. Petitioner has been apprehended thereafter.

Learned counsel for the petitioner submits that even as per prosecution case, the petitioner was not present at the place where 117 liters of wine and 70 liters of beer have been recovered. He has no concern with the recovered substance. There is no forensic opinion regarding the recovered substance being an intoxicant and the petitioner is in custody since 23.07.2020. After his implication in this case, he has been implicated in Giriak PS Case No 50 of 2020. Prior to the instant case, he has no criminal antecedent.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Additional Sessions Judge III -cum- Special Judge (Excise),
Nalanda at Biharsharif in Nalanda PS Case No 95 of 2020
subject to the following conditions:-

(i) That one of the bailors will be a close relative of
the petitioner who will give an affidavit giving genealogy as to
how he is related with the petitioner. The bailor will also
undertake to inform the Court if there is any change in the
address of the petitioner.

(ii) That the petitioner will be well represented on
each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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