

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86912 of 2019**

Arising Out of PS. Case No.-158 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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DEEPAK KUMAR SINGH @ DEEPAK SINGH @ DEEP SINGH S/o
Umesh Singh R/o village- Sundar Patti, Post and P.S.- Gopalganj, District-
Gopalganj, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 24-01-2020 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Gopalganj PS case no. 158 of 2019
registered for the offences punishable under Sections 414/34,
Sections 30, 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge
quantity of illicit foreign liquor from a truck and from the spot,
the driver and *khalasi* of the truck as also one other person were
apprehended who disclosed about the persons who had fled
away from the spot and one of the said person is stated to be the
petitioner herein.

The learned counsel for the petitioner submits



that the petitioner has been falsely implicated in the present case. It is further submitted that though the petitioner is an accused in one other case but he is on bail in the said case. It is further submitted that the persons who have been apprehended from the spot, have already been granted bail by a co-ordinate Bench of this Court vide order dated 26.09.2019 passed in Cr. Misc. no. 39521 of 2019. It is further submitted that no illicit liquor has been recovered from the conscious possession of the petitioner, hence provisions of Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie*, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act, 2016, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory 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 2nd Addl. District & Sessions Judge, Gopalganj in connection with Gopalganj PS case no. 158 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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