

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47528 of 2021

Arising Out of PS. Case No.-116 Year-2021 Thana- PUNPUN District- Patna

DEEPAK KUMAR @ JAI SHARMA S/o- Sri Subhash Sharma @ Subhash
Chandra Boss R/V- Nima, P.S. - Dhanarua, Distt. - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Special Case No. 3149 of 2021, Punpun P.S. Case No. 116 of
2021, registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 100 liters of
illicit country made Mahua wine from a tempo belonging to
one Anuj Kumar and the petitioner is stated to be a passenger
of the said tempo.

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 he is
languishing in custody since 13.5.2021. The learned counsel
for the petitioner has referred to paragraph no. 9 to submit



that he is neither the owner nor the driver of the tempo in question and is merely a passenger of the said tempo.

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 learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is neither the owner nor the driver of the tempo in question and is merely a passenger of the said tempo, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Special Case No. 3149 of 2021, Punpun P.S. Case No. 116 of 2021.

(Mohit Kumar Shah, J)

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