

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1802 of 2021**

Arising Out of PS. Case No.-95 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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DEEPAK KUMAR Son of Ashok Bind Resident of Village- Teshlal Verma
Nagar, Rupaspur Nahar Kinare, P.S.- Rupaspur, Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr. APP.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 04-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 17.09.2020 in connection with Special Case No. 5445/2020 (arising out of P.R. Digha case No. 95/2020) registered for the offences punishable under Sections 30(a)/32(1)/32(3)/41(1)/41(2) of the Bihar Prohibition and Excise Act.

As per the prosecution case, 61.920 litres of foreign liquor has been recovered from Maruti Suzuki car of which this petitioner is alleged to be driver and apprehended on the spot.

It is submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner. It is further submitted that petitioner is simply a driver who was



unaware about the nature of consignment and was only driving the car as per the instruction of his owner. Petitioner has got no criminal antecedent and is in custody since 17.09.2020.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No. 5445/2020 (arising out of P.R. Digha case No. 95/2020), subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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