

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10562 of 2021**

Arising Out of PS. Case No.-195 Year-2020 Thana- RAFIGANJ District- Aurangabad

DEEPAK KUMAR Son of Munna Yadav Resident of Village-Jabra, P.S.-
Hunterganj, District-Chatra (Jharkhand)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate.

For the Opposite Party/s : Mr Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-05-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioner seeks
permission to correct a typographical error with respect to the place
of the court. According to him, in place of district ‘Aurangabad’ he
has wrongly written it as district ‘Gaya’ in paragraph-17 of the
petition as well as in the prayer portion.

Learned counsel for the State has no objection in allowing
the correction.

Let the correction be carried out. In paragraph-17 as well
as prayer portion the place of district ‘Gaya’ will be read as district
‘Aurangabad’.

Heard learned counsel for the petitioner and Mr. Amit



Kumar Rakesh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Rafiganj P.S. Case No. 195 of 2020 registered for the offences punishable under Sections 30(a), 37(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that as per the prosecution story, total 240 litres of Mahua liquor is alleged to have been recovered from the tempo and this petitioner (Deepak Kumar) happens to be the driver of the said tempo.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of this petitioner. The petitioner is the driver of the alleged tempo. The petitioner is in custody since 19.8.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be the driver of the vehicle (tempo) from which 240 litres of mahua wine is said to have been recovered, the petitioner is in custody in connection with the present case for over nine months, investigation against him is complete and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail



bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad in connection with Rafiganj P.S. Case No. 195 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that one of the bailors would be a resident of area lying within the territorial jurisdiction of learned trial



court and further condition that petitioner shall cooperate in course of trial. Two consecutive defaults in putting appearance shall invite action towards cancellation of his bail by the learned court below.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

