

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2753 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

DEEPAK RAJ JOSHI Son of Harsh Raj Joshi Resident of Village- Julaghat
Ward No.8, P.S.- Julaghat, District- Pithauragarh, Uttarkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 420, 467, 468 and other allied sections of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act.

Allegedly, during course of vehicle checking, 428.670 liters of foreign liquor was recovered from the tourist vehicle and the petitioner and co-accused persons were arrested from the said vehicle.

The main submissions advanced by the learned counsel for the petitioner are that similarly situated co-accused Suresh Kumar Mehra has been granted bail by a bench of this court vide order dated 02.09.2021 passed in Cr. Misc. no. 31774 of 2021 and other co-accused Sunil Kumar @ Sunil Kumar



Goswami was arrested along with this petitioner has been granted bail by a bench of this court vide order dated 15.12.2021 passed in Cr. Misc. no. 42663 of 2021. Petitioner has been languishing in jail since 26.2.2021 having clean antecedent. Further submission is that alleged offences of forgery as mentioned in the FIR are not made out against the petitioner.

Learned APP opposes the prayer for bail.

Having considered the petitioner's case being similar to co-accused persons who have been granted bail by this Court vide orders passed in the above mentioned miscellaneous cases and also considering the petitioner's custody period and as per learned counsel for petitioner investigation has been completed, the case of the petitioner is at the initial stage of trial and as per submission petitioner has got no criminal antecedent, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II, Gopalganj in Kuchaikote Police Station Case No. 75 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by



the Court below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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