

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15355 of 2022

Arising Out of PS. Case No.-323 Year-2017 Thana- MUFFASIL District- West Champaran

DEEPAK KUMAR @ DEEPAK SAH S/o Kishori Sah @ Kishor Prasad
Gupta R/o Village- Baswariya, P.S.- Bettiah (Town), District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Bettiah (Muffasil) PS case no. 323 of 2017 instituted for the
offences punishable under Section 38 of Bihar Prohibition and
Excise Act.

The allegation is regarding recovery of 240.285
liters of illicit foreign liquor from a Xylo car which was being
driven by the co-accused person.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely implicated
in the present case and is languishing in custody since 28.11.2021.
The learned counsel for the petitioner has further submitted that the
petitioner was earlier granted anticipatory bail by a co-ordinate



Bench of this Court, however since the petitioner could not appear before the learned court below within the stipulated time frame, the petitioner had to surrender before the learned court below and seek regular bail, however the learned court below, by the impugned order has rejected the same.

Per contra, the learned A.P.P. 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 parties and taking into account the period of incarceration of the petitioner herein as also considering the fact that the petitioner had already been granted anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on 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 court of Special Judge, Excise Act, West Champaran, Bettiah in connection with Bettiah (Muffasil)PS case no. 323 of 2017.

(Mohit Kumar Shah, J)

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