

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15274 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- JANDAHA District- Vaishali

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DIPAK KUMAR @ DEEPAK KUMAR Son of Pawan Thakur Resident of
Village- Gudari Road Dalsingh Sarai, P.S. Dalsingh Sarai, District -
Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jandaha
P.S. Case No. 295 of 2021 registered for the offence under
Sections 420, 465, 467, 468 and 471 of the Indian Penal Code
and Section 30(a), 36 and 41(i) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.12.2021.

The allegation against the petitioner is to be engaged



in illegal trade of illicit liquor, where, there was total recovery of 840 litres of illicit country made foreign liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the helper (khalasi) of the alleged vehicle bearing Registration No. BR01GK 8409. It has further been submitted that nothing surfaced during course of investigation, which may suggest that the petitioner was under knowledge as regard to consignment of illicit liquor. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is a helper (khalasi) of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of investigation, which may suggest that the petitioner was under knowledge of consignment of illicit liquor, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Jandaha P.S. Case No. 295 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court Excise Court No.-1 cum-A.D.J. 1st, Vaishali at Hajipur, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Roushan Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen-

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