

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20852 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Deepu Kumar @ Dipu Gupta Son of Suraj Sah @ Suraj Prasad Gupta
Resident of Village - Gangajalmath, (Karmaini), Police Station - Sanjholi,
District - Rohtas at Sasaram, Presently of Village - Amratalab, P.S. Sasaram
Muffasil, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 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 Excise

Case No. 168 of 2021 registered for the offence under Section

30(a) of the Bihar Prohibition and Excise Act, 2018.

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

custody since 03.02.2022.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there is recovery of 216



litres of IMFL, 12 litres of illicit beer and about 80 litres of spirit.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor has been made from open area, which belong to railway and as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner is no way connected with the land and alleged recovery. Name of the petitioner surfaced on the basis of secret information of villagers, leading no recovery and incriminating material, which may connect the petitioner with the alleged recovery. While concluding the argument, it has been submitted that investigation 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 recovery has been made from open area.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner 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 Excise Case No. 168 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 Additional Sessions Judge-2nd-cum-Special Judge, Excise Act, Rohtas at Sasaram, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

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

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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