

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21342 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- JAMHOR District- Aurangabad

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DEEPAK KUMAR S/o Hulas Chaudhary Resident of Village - Dewhara, P.S.-
Goh, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh

For the Opposite Party/s : Mr.Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Jamhore P.S. Case No. 44 of 2022 (G.R. No. 204/2022) registered for the alleged offences under Sections 30(a), 30(c), 33 and 36 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, during the checking of vehicle, a tractor was intercepted and 1680 liters of spirit was recovered from this tractor. The petitioner is stated to be the driver who was apprehended after chase.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. As a matter of fact, the petitioner took lift on the tractor while returning from the house of his aunt. On seeing the police, the driver fled away and the petitioner being an innocent traveller remain there and was caught by the police. The petitioner has no concern with the allegedly seized liquor and he has got no criminal antecedent. Charge sheet has been submitted in this case and the petitioner is in custody since 28.02.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that the petitioner is having clean antecedent and charge sheet has been submitted and further considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-9 cum-Special Judge, Excise-II, Aurangabad in connection with Jamhore P.S. Case No. 44 of 2022 (G.R. No. 2022), subject to the conditions mentioned in Section 437(3) of the Code of

Criminal Procedure and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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