

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21531 of 2022

Arising Out of PS. Case No.-441 Year-2019 Thana- TEGHRHA District- Begusarai

DEEPAK KUMAR @ DEEPAK SAH Son of Arun Sah Resident of Village -
Baro, Rampur Tola, P.S. - Teghra, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Teghra P.S. Case No. 441 of 2019 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 207 litres of country made liquor from the shop in question.
On getting secret information, the informant along with other
police officials reached the shop of petitioner and after seeing
police personnel the petitioner fled away from his shop.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner was not apprehended on the spot. Police in connivance with the enemies of the petitioner planted wine and recovery of same was being shown from the shop which was open at the time of raid and the petitioner was not in the shop.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on the spot, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge I, Begusarai in connection with Teghra P.S. Case No. 441 of 2019 subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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