

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25065 of 2022

Arising Out of PS. Case No.-47 Year-2020 Thana- BALUA BAZAR District- Supaul

DEEPAK BARMAN SON OF JAGADISH BARMAN @ J. BARMAN R/O
VILLAGE- SHAHID COLONY, BHAKTI NAGAR, P.S.- SILIGURI,
DISTRICT- JALPAIGURI, WEST BENGAL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjai Kumar Singh

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-08-2022 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.

The petitioner seeks bail in connection with S.T.
Excise No. 637 of 2020 arising out of Balua Bazar (Lalit Gram
O.P.) P.S. Case No. 47 of 2020 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 260.625 litres foreign liquor from the pickup van in question.
The petitioner is alleged to be the owner of said pickup van.

Learned counsel for the petitioner submits that



petitioner is in custody since 09.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is the owner of said vehicle and he has no knowledge that illicit liquor is being carried in his pickup van. Petitioner's vehicle was being used for carrying liquor by his driver. Petitioner is not arrested on spot nor any incriminating material has been recovered from his possession. There is no compliance of Section 100 of Cr.P.C.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner 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 A.D.J.-Vth-cum-Special Judge, Excise Court No. 2, Supaul in connection with



S.T. Excise No. 637 of 2020 arising out of Balua Bazar (Lalit Gram O.P.) P.S. Case No. 47 of 2020, 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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