

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26439 of 2022**

Arising Out of PS. Case No.-161 Year-2021 Thana- SONO District- Jamui

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Deepak Kumar @ Bada Babu Son of Jagdish Yadav Resident Of Village -
Bakra, P.S.- Giriak, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate
For the State : Ms. Shaheen Begum, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 01-07-2022 Heard learned counsel for the petitioner and learned
APP for the State thorough 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 Sono P.S.
Case No. 161 of 2021 registered for the offence under Sections
272 and 273 of the Indian Penal Code and 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 05.04.2022.

The allegation against the petitioner is to involved in



the illegal business of illicit liquor, where there was a recovery of 1964.52 liters of illicit liquor from a truck bearing registration no. BR 11 GA 5743.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not the owner of the alleged truck and the name of the petitioner surfaced on the basis of disclosure made by helper of the truck from where alleged recovery has been made. It has been submitted that the recovery has not been made from the conscious physical possession of the petitioner in furtherance of the said confession. It has further been submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery. It has been submitted that petitioner is involved in three more cases in which he is on bail. While concluding the argument, it has been submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery of illicit liquor is not made from the conscious physical possession of the petitioner, whose name



surfaced on the basis of confessional statement of helper of the alleged truck coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Sono P.S. Case No. 161 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 Judge Excise-II-cum-Additional Sessions Judge-IV, Jamui, subject to the following conditions:

“(i) That accused/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 Jagdish Gop, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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