

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38742 of 2021

Arising Out of PS. Case No.-446 Year-2020 Thana- BARH District- Patna

DEEPAK RAI S/O LATE RAMJI RAI R/O VILLAGE-JALGOVIND, P.S-
BARH, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagmani Kumar, Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2022 The matter has been taken up through virtual Court proceedings.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner seeks regular bail in connection with Special Case No. 7307 of 2020 arising out of Barh P.S. Case No. 446 of 2020 registered for offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The case of the prosecution is that 108 litres of illicit liquor was recovered from the mustard field on the bank of river Ganga and on seeing the raiding party twenty to twenty-five persons started fleeing away.

Learned counsel appearing on behalf of the petitioner submits that though the petitioner is named in the FIR but no



incriminating article has been recovered from his conscious possession. Petitioner was simply a member of the crowd. He further submits that petitioner is in custody since 28.02.2021 and has no concern with the alleged illicit liquor.

Learned A.P.P., however, opposes the prayer of the petitioner for grant of regular bail.

Considering the above mentioned facts and circumstances of the case and nothing has been recovered from conscious possession of the petitioner, let the petitioner above named, be released on bail upon furnishing bail bond of Rs.2,00,000/- (Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 7307 of 2020 arising out of Barh P.S. Case No. 446 of 2020, subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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