

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31366 of 2022

Arising Out of PS. Case No.-219 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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DEEPAK KUMAR S/o Ram Narayan Prasad Resident of village - Upadhyay
Bigha, P.S. - Kaler, District – Arwal. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey
For the Opposite Party/s : Mr.Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-08-2022 Learned counsel for the petitioner is permitted to make

necessary correction in para 3 of the bail application in course of

the day.

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 Excise

Case No. 219/2022 registered for the offences punishable under

Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of

total 80.625 liters foreign liquor from Indigo car in question. The

petitioner and co-accused, Dharmendra Prasad were apprehended

on the spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was driver of the said car in question and he was only interested in the wages and he was noway related to the recovered articles. The petitioner is languishing in custody since 08.04.2022 and bears criminal antecedent of one case of similar nature in which he is on bail. Prosecution report has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, prosecution report has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** 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 Special Excise Court No.3, Gaya in connection with Excise Case No. 219/2022, 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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