

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32223 of 2022**

Arising Out of PS. Case No.-963 Year-2021 Thana- KUDHNI District- Muzaffarpur

DEEPAK NARAYAN JHA @ DEEPAK JHA S/o Dukhan Jha Resident of
Village- Barkurwa, P.S.- Kudhani (Turki O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr.Binod Kumar No. 3, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 11-08-2022 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
Kudhani (Turki O.P.) P.S. Case No. 963 of 2021 registered for
the offences punishable under Sections 272, 273, 467, 468,
120(B), 34 of the I.P.C. and Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 879.84 litre illicit foreign liquor from the pickup van in
question and it is alleged that petitioner and others fled away
from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 31.01.2022 and bears criminal antecedent of three cases of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from possession of the petitioner. Petitioner has no concern with the other accused nor has any concern with the seized liquor or vehicle.

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, petitioner is not apprehended on the spot, 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, **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. II, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 963 of 2021, 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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