

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33147 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- BAKHARI District- Begusarai

Deepak Mahto @ Deepak Kumar, Son of Mr. Baijnath Mahto, Resident of
Village- Peernagar, P.S.- Nawkothe, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritwik Thakur, Advocate

Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ritwik Thakur, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bakhri P.S. Case No. 332 of 2021 registered for
the offences punishable under Section 120(B) of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per the prosecution case, it is alleged that on a
secret information, the police apprehended ten wheeler truck,
bearing Registration No. BR11L-8911 and on search total



2964.96 litres of Indian made foreign liquor was recovered.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner is not even named in the FIR. Further during the course of investigation, the name of the petitioner came in picture as user of Sim number 8284094556, apart from this, there is no material which shows any connection of the petitioner in the present crime. It is further submitted that the petitioner has neither any concern with the truck nor with the illicit liquor, inasmuch, as even the driver of the truck has not disclosed the name of the petitioner. It is next submitted that the petitioner having fair antecedent, is in custody on 16.04.2022 and, moreover, after conclusion of the investigation, charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, the complicity of the petitioner has come.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is neither named in F.I.R. nor any incriminating material has been recovered from the conscious or constructive possession of the petitioner and save and except the allegation that he was one of



the user of the Sim, in question, which was used for conversation with the co-accused persons, there is no other material, let the petitioner, named above, be released on bail on furnishing bail bonds 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. II, Begusarai in connection with Bakhri P.S. Case No. 332 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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