

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39090 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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Deepak Kumar Patel, S/o Nand Bihari Chaudhari, R/o village- Kowath, P.S.-
Dawath, District- Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Parwej Khan, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with P.R. Case No. 77 of 2022 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, it is alleged that in course of
vehicle checking, the police apprehended the petitioner, who
was carrying a bag on his lap inside the bus and on search
25.920 litres of illicit liquor was recovered.



Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that the recovery was made from a bag kept inside the Bus, however, the petitioner has neither any concern with the bag nor with the alleged illicit wine. He next submits that in fact in the Bus several passengers were going on to different destinations and in the meantime, when the police started checking, all the passengers get off from the bus, but as the bag was kept beside the petitioner, the police apprehended him on suspicion. He next submits that the petitioner, having fair antecedent, is in custody since 16.05.2022, and moreover the investigation of the crime is already completed and the charge-sheet has been submitted and, as such, there is no chance of absconding of the petitioner in course of trial and tampering with the evidence.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the Bus where several passengers were going on different destinations and moreover the petitioner is in custody since 16.05.2022, having fair antecedent, though the investigation of the crime is already completed and charge-sheet



has been submitted, 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 Special Judge (Excise), Court No.2, Kaimur at Bhabua in connection with P.R. Case No. 77 of 2022, 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 physically 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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