

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41234 of 2022**

Arising Out of PS. Case No.-149 Year-2022 Thana- DEO District- Aurangabad

Deepak Kumar, Son of Rakesh Prajapati, Resident of Village-
Aora, P.S.- Muffasil, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs .Mukul Kumari, Advocate

For the Opposite Party/s: Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 23-09-2022 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 Mrs. Mukul Kumari, 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 G.R. No. 600 of 2022 arising out of Deo
P.S. Case No. 149 of 2022 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The police in course of patrolling duty, got a
secret information that two persons riding on a motorcycle



are carrying illicit liquor, apprehended them and on search 50 litres of liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the motorcycle nor with the recovered illicit liquor and in fact on the fateful day, while the petitioner was standing on the road waiting for a vehicle, in the meantime, co-accused Dharmendra Yadav @ Chhotu came near him and, in the meantime, the police apprehended both the persons, including the petitioner. It is further submitted that the petitioner, having fair antecedent, is in custody since 16.06.2022, however nothing has been recovered from physical possession of the petitioner and, moreover, the investigation of the crime is already completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future.

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

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the motorcycle nor with the alleged recovered illicit wine and, moreover, the



investigation of the crime is already completed and the charge-sheet has been submitted and the petitioner, having fair antecedent, is in custody since 16.06.2022, 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, Aurangabad in connection with G.R. No. 600 of 2022, arising out of Deo P.S. Case No. 149 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 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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