

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43149 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- RANIYATALAB District- Patna

DEEPAK KUMAR @ DIPAK KUMAR Son of Arun Rai Resident of Village
- Madhopur Ram @ Madopur Ram, P.S.- Sarai, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ranitalab P.S. Case No. 54 of 2022 registered for the alleged offences under Sections 272, 273 and 120(b) of the Indian Penal Code and Sections 30(a), 32(ii)(iii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of approximately 700 liters of India made foreign liquor was made from a pick-up-vehicle and the petitioner and co-accused driver were apprehended. The petitioner is stated to be co-driver/cleaner of



the vehicle.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He is not a co-driver or cleaner and he was merely a co-passenger for the vehicle as he has taken lift in it. The petitioner is a student and a poor person. He is not involved in the business of illicit liquor. Nothing incriminating has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 23.03.2022. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the vehicle in which the petitioner was present, recovery of 700 liters illicit liquor was made.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur (Patna) in connection with Ranitalab P.S. Case No. 54 of 2022, subject to



the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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