

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45623 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

1. Deepak Kumar @ Dipak Kumar, Son of Late Rambalak Ray R/v- Lautan P.S- Sakra, Dist- Muzaffarpur
2. Dharmendra Paswan, Son of Mahendra Paswan, R/v- Lautan P.S- Sakra, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Bochahan P.S. Case No. 245 of 2022, registered
for the alleged offence under Section 414 of the Indian Penal
Code and Section 30 (a) of the Bihar Prohibition and Excise
Act.

As per the prosecution case, recovery of 136.440 liters
of India made foreign liquor was made from a secret
compartment of a tempo and the petitioners along with other



two accused persons were found sitting in the tempo.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are neither the owner nor the driver nor they have any concern with the alleged recovery of liquor. The charge sheet has been submitted in this case. The petitioners are in custody since 08.06.2022 and are having clean antecedent.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedent, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur, in connection with Bochahan P.S. Case No. 245 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 petitioners.

(ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

