

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54505 of 2021

Arising Out of PS. Case No.-425 Year-2021 Thana- MASHRAK District- Saran

DEEPAK KUMAR RAJ SON OF MOTILAL MUKHIYA RESIDENT OF
VILLAGE- PIPARA BINDTOLI, P.S.- BAIKUNTHPUR, DISTRICT-
GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Mashrakh Police Station Case No. 425 of 2021, registered for
the offences punishable under Sections 30/30(a)/38/41 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret informant,
arrived at the Singh Line Hotel, Bangra, and saw that one
loaded truck was standing there and four motorcycles were
parked near the truck and some persons were also standing near
the line hotel. Upon seeing the police party, the accused persons
started fleeing away, but five persons were arrested by the



police, including the petitioner. The police also recovered 8000 litres of spirit from the truck in question.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the petitioner, along with his father, was returning on his motorcycle and had stopped in the line hotel for some refreshment, in the mean while, the police came there and he, along with his father, was arrested by the police. He further submits that the petitioner is neither the owner nor the driver of the truck and nothing has been recovered from his conscious possession and/or vehicle belonging to him. He further submits that the petitioner is a student and is preparing for competitive examination. He further submits that the petitioner is in custody since 13.08.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that no material has come during the course of investigation that the petitioner is either the owner or the driver of the truck, nothing has been recovered from the



possession of the petitioner and/or motorcycle belonging to him, the petitioner is a student, charge sheet has already been submitted and the petitioner is in custody since 13.08.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Saran, at Chapra, in connection with Mashraikh Police Station Case No. 425 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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