

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46680 of 2022

Arising Out of PS. Case No.-147 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

=====

Deepak Kumar Son Of Subhash Yadav R/O Village- Madhura, Ward No.-7,
P.S.- Saur Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate.
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 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. Rajeev Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Excise P.S. Case No. 147 of 2022, registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

In course of vehicle checking, the police intercepted a
tempo and on search total 63 liter of foreign liquor was
recovered. The petitioner was apprehended at the spot, who is
said to be driver of the tempo in question. The petitioner



disclosed the name of the tempo owner/supplier of the illicit wine.

Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be the driver of the tempo in question, was not even aware as to what was being carried by the transporter/owner of the tempo, as the same runs for carriage of the passenger and transportation of goods, on the order of the owner. He next submits that the petitioner has neither concern with the tempo in question nor with the alleged illicit wine, apart from the fact that the petitioner having fair antecedent, is in custody since 20.04.2022, though the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently 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 a tempo, which runs for carriage of the passenger and transportation of the goods, inasmuch as the petitioner having fair antecedent, is in custody since 20.04.2022, though the investigation of the crime is already complete and the charge-sheet has been submitted, let the petitioner, named



above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV-cum- Special Judge, Excise, Madhepura, in connection with Excise P.S. Case No. 147 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)

manoj/-

U		T	
---	--	---	--

