

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46154 of 2022**

Arising Out of PS. Case No.-24 Year-2022 Thana- KHAJEKALA District- Patna

DEEPAK KUMAR Son of Gajendra Prasad @ Nagendra Kumar Resident of  
Koran Sarai, P.S.- Koran Sarai, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate.

For the Opposite Party/s : Ms. Gulnar Begum, APP.

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

2      31-08-2022              Learned counsel for the petitioner is permitted to  
remove defect(s), as pointed out by the office, if any, within a  
period of four weeks from today.

This matter is being taken up on the motion made by  
the learned counsel for the petitioner on the ground that in  
course of incarceration, the petitioner is admitted in  
Government hospital by jail administration and he is critically  
ill.

Heard Mr. Shashi Bhushan Kumar, learned counsel  
for the petitioner as well as learned Additional Public Prosecutor  
for the State.

The application for grant of bail to the petitioner,  
above named, who has been made accused and put behind the  
bar in connection with Khajekala P. S. Case No. 24 of 2022



registered for the offences punishable under Sections 30 (a), 32(i)(ii), 33, 34, 36 41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the police, while investigation a case of a hooch tragedy, came across of an information that some persons after buying spirit prepared illicit wine used to sell in the market. On the aforesaid information, a raid was conducted in the godown and shop of co-accused from where total 100 litres spirit like substances is said to have been recovered, which is allegedly used for the purposes of manufacturing spurious wine due to which several persons died.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is one of the purchasers of spirit like substance from the shop of Ganga & sons, through Akhilesh Upadhyay. It is submitted that the petitioner was not indulged in manufacturing illicit wine from the spirit like substance rather the same is used for the purposes of manufacturing of Hand-wash Sanitizer, Lyzol, Harpic etc. It is further submitted that other co-accused persons, who were supplier of the spirit like substance and from whose godown the recovery has been made, they have already been granted bail by



this court. It is last submitted that the petitioner is in custody since 29.01.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found involved in three other cases.

In response to the aforesaid submissions, learned counsel for the petitioner submits that two of the cases are of year 2009 and so far as Murar P. S. case No. 10 of 2022 is concerned, the same is arising out of the same incidence.

Having considered the submissions made on behalf of the parties and taking into account the fact that the persons, who were supplier of the spirit like substance, they have already been granted bail by learned co-ordinate Benches of this court, let the petitioner, above named, 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 Special Court Excise at Patna City, in connection with Khajekala P. S. Case No. 24 of 2022, subject to the condition that one of the bailors will be the close relative 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.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Harish Kumar, J)**

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