

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50409 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

DEEPAK SINGH Son of Rambilas Singh @ Ramvilas Singh R/V- Kheman
Rai (Gahmar) P.S- Gahmar, Dist- Gajipur Up

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Rai

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Durgawati P.S. Case No. 73 of 2022 registered for the offences
punishable under Section 30(a) of the Bihar Excise and
Prohibition Act, 2018.

As per prosecution case, there is alleged recovery
of 691.200 liter illicit liquor from the vehicle in question. There
is allegation against the petitioner that he is indulged in supply
of illicit liquor.

Learned counsel for the petitioner submits that
petitioner is in custody since 06.08.2022. Petitioner bears no



criminal antecedent. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not concerned with the seized illicit wine or vehicle in question. Petitioner is not apprehended on the spot. The name of the petitioner has been surfaced on the confessional statement of apprehended co-accused Raju Kumar.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise – II, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 73 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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