

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63149 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- PATEPUR District- Vaishali

Deepak Kumar, Son of Jagdeo Singh @ Jagdev Singh Resident of Village -
Bakharidooa, P.S.- Goraul (Katahara O.P.), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-03-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

The petitioner seeks bail in connection with Patepur P.S. Case No.119 of 2021 registered for the offence punishable under Section 30(a)/32(ii)/38(ii)/41(i) of the Bihar Prohibition & Excise Act, 2018 and Sections 420, 467, 468, 414, 120(B) of the IPC.

The prosecution case in short is that total 2359.2 liters of Indian made foreign liquor has been recovered from a container truck bearing registration no. MH-46AR-8584 and two pick-up van.

Learned counsel appearing on behalf of the petitioner



submits that petitioner has falsely been implicated in the present case and has no criminal antecedent. Learned counsel for the petitioner further submits that petitioner is driver of one pick-up van bearing registration no. BR-07G-9447. He further submits that provision of Section 100 of the Cr.P.C. has not been followed and nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from a container and two pick-up van. Learned counsel for the petitioner further submits that charge sheet has been submitted against the petitioner and other co-accused persons and is in custody since 08.06.2021.

Learned Additional Public Prosecutor appearing on behalf of the State has opposes the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ind-cum-Excise Court, Vaishali at Hajipur in connection with Patepur P.S. Case No.119 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that 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 steps for cancellation 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.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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