

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19378 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- MEHANDIA District- Jehanabad

Deepak Kumar Rai @ Deepak Kumar, S/o Sukeswar Rai, R/O Village- Naya Gaon, P.S- Mahanar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamla Kant Pandey, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Mehandia P.S. Case No. 06 of 2023 dated 10.01.2023 registered for the offences punishable under Sections 279, 332, 334, 337, 338, 307, 353, 427/34 of the Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 246.96 litres of country made foreign wine and the same is stated to have been recovered from a Xylo car but the petitioner is neither driver nor owner of the said vehicle and in actual the petitioner took lift in the said vehicle and he was bonafidely riding in the said vehicle and in the meantime police intercepted the said vehicle and arrested the petitioner and the



co-accused person. Further submissions are that the petitioner has fair and clean antecedent and he is a very young person and has been languishing in jail since 11.01.2023 and against him the investigation has been completed and there is no independent witness of the search and seizure of the alleged wine.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly completion of investigation against the petitioner and his fair and clean antecedent and also the fact that as per above submission the petitioner is neither owner nor driver of the alleged vehicle, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Mehandia P.S. Case No. 06 of 2023 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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