

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39136 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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DEEPAK KUMAR Son of Nandu Sah Resident of village - Ramnagra, P.S. -
Runnisaidpur, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh
For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned A.P.P.

for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 30 (a)/32(3) of Bihar Prohibition and Excise (Amendment) Act 2018.

3. Altogether 25.920 liters of foreign liquor is said to have been recovered from a *tempo*. The driver of the said *tempo* was apprehended on the spot and he disclosed the name of the petitioner and other co-accused persons.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either



with the seized liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of statement of apprehended co-accused that the petitioner is the owner of the said vehicle. He submits that though the recovery has been made from the vehicle of the petitioner but the same has been given to the driver for driving and rent for daily fair. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Excise P.S. Case No.112 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the fol-



lowing conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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