

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46014 of 2023

Arising Out of PS. Case No.-252 Year-2020 Thana- BARAUNI District- Begusarai

Deepak Kumar, Son of Kirandev Singh Resident of Village- Madhurapur
Purwari Tol, Ps- Teghra, Distt- Begusarai.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Barauni (Zero Mile) P.S. Case No. 252 of 2020 registered for
the offence under Sections 30(a), 41(1)(2) of the Bihar
Prohibition and Excise Act, 2018.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 20.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 4815 litres of IMFL/country made liquor
from the alleged vehicles.



6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the open garage of one Md. Mustaq, which is not appears to be connected in any manner with this petitioner, and as such, it can be safely said that recovery of alleged illicit liquor not appears to be made from his conscious physical possession. It is submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Barauni (Zero Mile) P.S. Case No. 252 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-1st, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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