

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49724 of 2023

Arising Out of PS. Case No.-487 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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DEEPAK KUMAR S/O VINOD YADAV @ BINO YADAV R/O VILLAGE-
BHARAKAHUA, BARHAT, PS. BARHAT, DIST. JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 16-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 10.05.2023 seeks
bail, in connection with Excise P.S. Case No.487C2/2023, dated
09.05.2023, for the offences punishable under Sections 30(a)
and 56(2)(ii) of Bihar Prohibition and Excise Act.
3. According to prosecution case, 85 litres of foreign
liquor is said to have been recovered from the tempo of the
petitioner.
4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from
perusal of the F.I.R as well as seizure list, it appears that nothing



has been recovered from conscious possession of the petitioner rather the recovery has been made from the tempo and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V-cum-Exclusive Special Court No.2, Excise Act, Lakhisarai in connection with Excise P.S. Case No. 487C2/2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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 step 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)

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