

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57704 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- MEHANDIGANJ District- Patna

DEEPU KUMAR S/O SUSHEEL SINGH @ SUSHIL KUMAR R/O VILL.
KANGAN GHAT, KESHAW RAI GALI, P.S.- CHOWK, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioner is in custody in connection with Mehandiganj P.S. Case No. 140 of 2023 for the offence under section 30(a) of the Indian Penal Code lodged on 25.07.2023 by the informant, Din Dayal Ram.

As per the prosecution story, the allegation is that the Police apprehended this petitioner with a Scooty from which 60 liters of country made liquor recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that he was there to offer prayer in a nearby temple, the Scooty does not belong to him, he was not even riding it, has been implicated, has remained in custody since 26.07.2023 (as stated in paragraph 14 of the petition) and he do not have criminal



antecedent.

Learned APP opposes the prayer for bail stating that he has been apprehended with the Scooty alongwith accuseds and there is recovery of 60 liters liquor.

Taking into account the submissions put forward by the parties, admittedly, the petitioner does not own the Scooty nor was driving the Scooty, is in custody since 26.07.2023, do not have criminal antecedent and will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise, Patna City, in connection with Mehandiganj P.S. Case No. 140 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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