

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69890 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- Excise P.S. District- Samastipur

Deepak Kumar, Son of Late Raj Kumar Mahto, R/o village - Garhsisai, Ward
No. 1, P.S. - Vidyapati Nagar, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Raj, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Patori Excise P.S. Case No. 57 of 2023, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about the petitioner selling illicit India made foreign liquor from his grocery shop. A raid was conducted and from the back of the shop of the petitioner, recovery of total 6.375 liters of India made foreign liquor was made and the petitioner was apprehended from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No recovery has been made from the shop of the petitioner rather recovery has been made from the back of the shop for which the petitioner could not be held liable. Nothing incriminating has been recovered from the person/possession of this petitioner. The petitioner is in custody since 26.08.2023. The petitioner is having one criminal antecedent.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

6. Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the quantity of liquor recovered and period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.02, Samastipur, in connection with Patori Excise P.S. Case No. 57 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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