

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67652 of 2022

Arising Out of PS. Case No.-674 Year-2022 Thana- FATUA District- Patna

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Dipak Kumar @ Deepak Kumar, aged about 23 years, Gender- Male, S/o
Vijay Kumar @ Vijay Prasad R/o Village- Kishunpur, P.S.- Hulasganj, Distt-
Jahanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Fatuha P.S. Case
No. 674/2022 registered for the offence punishable under Section
30(a)/32/36/41 of the Bihar Prohibition & Excise Amendment Act,
2018.

From a truck, there is recovery of 2358 litres (two thousand
three hundred & fifty eight litres) of illicit liquor. As per the
prosecution case, it is stated that petitioner was in the driver seat.

Learned counsel for the petitioner submits that for driving the
vehicle, after it was loaded, petitioner's services were requisitioned.
He was unaware of the illicit liquor being laden in the truck. In fact,
he has become victim of the circumstances. Having no criminal
antecedents, he is in custody since 15.09.2022. It is submitted that
investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, allegation, period of
custody, clean antecedent and the fact that investigation is complete,



this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Special Judge Excise, Patna City, District – Patna, in connection with Fatuha P.S. Case No. 674/2022, subject to the following 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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