

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74931 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- Excise P.S. District- Gaya

Deepak Kumar Son Of Late Ramlakhan Prasad Chaudhary R/O Village -
Wahid Bigha, P.S.- Muffasil, District- Aurangabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/S

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Madhepura S.T. No. 184 of 2023, Sherghati Excise P.S. Case
No. 50 of 2023 dated 26.07.2023 lodged under Sections 30(a)
and 56(b) of Bihar Prohibition and Excise Amendment Act,
2018.

3. As per the prosecution case, the total recovery of
210 liter *Tari* has alleged to be made from a *Tempo* and the
recovery of 170 liter *Tari* has alleged to be made from another
Tempo in which petitioner was driver of the said *Tempo*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that petitioner was running his *Tempo* in village of Jharkhand



where there is no prohibition of carrying the excise material and under impression, the area where he was running the Tempo, comes within the territory of Jharkhand and Bihar police has arrested the petitioner from there.

5. Counsel for the petitioner submits that petitioner is in custody is since 27.07.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.3, Gaya, in connection with Sherghati Excise P.S. Case No. 50 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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