

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69225 of 2022**

Arising Out of PS. Case No.-919 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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DEEPAK KUMAR @ DEEPAK MAHTO Son of Awadh Kishore Mahato @
Avadh Kishor Mahto Resident of Village- Siswa, P.S.- Kalyanpur, District-
Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Setu Prateek

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

2 03-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Gopalganj (Town) P.S. Case No. 919 of 2022, registered for

the offences punishable under Sections 30(a), 41(i) and 32

of Bihar Prohibition and Excise Act, 2016 and Section 414 of

the Indian Penal Code.

As per allegation, total 214.86 litres of foreign

liquor was recovered from a car bearing Registration No.

HR26AV7020.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this



case. He further submits that the petitioner is neither the driver nor the owner of the vehicle and thus he was not aware of the content of the materials loaded in the vehicle. He also submits that nothing has been recovered from the conscious possession of the petitioner.

He further submits that the petitioner has been languishing in jail since 09.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge - II -cum - Special Judge Excise - I,



Gopalganj in connection with Gopalganj (Town) P.S. Case No. 919 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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