

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16939 of 2024

Arising Out of PS. Case No.-324 Year-2023 Thana- DANIYAWAN District- Patna

Deepak Kumar S/O Ramakant Rai R/O Khirkawar, P.S.- Bhagwanpur,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Namrata Mishra, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Daniyawar P.S. Case No. 324 of 2023 instituted for the
offences under Sections 30(a), 32(2)(3), 36 and 41(1)(2) of the
Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, the police has recovered
huge quantity of the illegal English liquor (443.25 liters) from
the two cars.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is alleged to be the driver of the Maruti Suzuki



Baleno rather the petitioner has no concern with the seized vehicle or the liquor. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 16.12.2023. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner further submits that the co-accused Rajan Kumar, Sahil Kumar and Hemant Kumar have been granted bail by this Court vide orders dated 22.02.2024 and 26.02.2024 passed in Cr. Misc. Nos. 11344 of 2024 and 12306 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of Court below/concerned
Court in connection with Daniyawan P.S. Case No. 324 of
2023.

(Rudra Prakash Mishra, J)

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