

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60298 of 2024

Arising Out of PS. Case No.-676 Year-2024 Thana- Excise P.S. District- Gaya

Deepak Raj, Son of Nawal Kumar Gupta @ Nawal Saw, R/o Village- Sobha,
PS- Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Gaya Excise P.S. Case No. 676 of 2024 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. The police in course of vehicle checking intercepted a Hyundai Santro car bearing registration no. JH05K 7107. The petitioner is said to be driver of the seized car who was apprehended by the police. On search, 81 liters of illicit Indian Made Foreign Liquor was recovered.

4. Learned counsel for the petitioner contended that from the narratives of the FIR, it is evident that the petitioner



was driver of the seized car, who plies the same on the instruction of his owner. Being a driver, he was not acquainted as to what was being carried by the owner of the vehicle. Moreover, the petitioner bears fair antecedent and now the investigation of the crime is complete. There are other infirmities in the search and seizure.

5. On the other hand, learned counsel for the State vehemently opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a driver having fair antecedent and now the investigation of the crime is complete, let the petitioner, named above, 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 learned Exclusive Excise Court No.3, Gaya in connection with Gaya Excise P.S. Case No. 676 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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