

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84289 of 2023

Arising Out of PS. Case No.-801 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Deepak Kumar Sharma S/O Yogendra Sharma @ Yogindra Sharma R/O
Village- Nawada, P.S- Nagar Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Gopalganj Town P.S. Case No. 801 of 2023 registered for the
offences punishable under Sections 30(a), 30(c), 33, 41(i) of the
Bihar Prohibition and Excise Amendment Act, 2022.

As per prosecution case, 800 litre spirit has been
recovered from Mahindra Jeeto vehicle in question and
petitioner apprehended on spot being driver of the said vehicle.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that petitioner is the bonafide owner of the



vehicle in question. From perusal of FIR it is evident that the recovered spirit belongs to Guddu Sah (co-accused) and it was loaded by co-accused Shushil Kumar Ojha, Manager of Narayani Logistic and the vehicle was being driven by the petitioner without any knowledge about the illicit liquor kept in the said vehicle. The name of petitioner has been transpired in the present case merely on account of suspicion. Except suspicion, there is nothing on record to connect the petitioner with the alleged occurrence. Petitioner is in custody since 09.10.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge II-cum- Special Judge, Excise Court No. 1,
Gopalganj in connection with Gopalganj Town P.S. Case No.
801 of 2023, subject to the following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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