

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82977 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Deepak Kumar Gupta @ Nepali Sah @ Deepak Sah, Son of Rinku Sah @
Rinku Kumar Gupta, R/o Village - Majharia, P.s. - Buxar Industrial, District-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Buxar Industrial P.S. Case No. 116 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act ,2018.

3. As per prosecution case, there was alleged
recovery of total 131.4 litre of IMFL/country made liquor from
the boat in question and apprehended co-accused Chandan
Kumar and Shyam Bihari Mallah, disclosed that alleged liquor
was being brought at the behest of petitioner and other.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 31.10.2023 and bears criminal



antecedent of five cases in which he is on bail. He further submits that except disclosure of co-accused Chandan Kumar and Shyam Bihari Mallah, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on the spot. Petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that co-accused Chandan Kumar and Shyam Bihari Mallah have already been granted bail vide Cr. Misc. No. 45157 of 2023 and Cr. Misc. No. 46080 of 2023 respectively by the co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, petitioner is not apprehended on the spot, 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 Exclusive Excise
Special Court No. 1, Buxar in connection with Buxar Industrial
P.S. Case No. 116 of 2023, subject to 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)

vashudha/-

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