

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79695 of 2019**

Arising Out of PS. Case No.-19 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

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Deepak Kumar aged about 25 years Son of Rajkumar Singh Resident of
Village- Kharua, P.S.- Kundwachainpur, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate
For the State : Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 19-12-2019

Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Kundwachainpur PS
Case No. 19 of 2019 dated 19.02.2019 instituted under Sections
414/34 of the Indian Penal Code and 30(a)/(c)/(d) of the Bihar
Prohibition and Excise Act, 2016.

3. The allegation against the petitioner and two
others is of smuggling Nepali liquor and 192 litres of the same
has been recovered from three motorcycles. Accused Sachin
Kumar was arrested while two other persons had fled away and
on the confessional statement of Sachin Kumar, the petitioner
has been made an accused.



4. Learned counsel for the petitioner submitted that he has no criminal antecedent and there has been no recovery from him. It was further submitted that the motorcycle also does not belong to the petitioner and he is in custody since 22.09.2019.

5. Learned APP submitted that the accused who was caught has taken the name of the petitioner and the other person who had run away.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Motihari, East Champaran in Kundwachainpur PS Case No. 19 of 2019, subject to the conditions that one of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present



before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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