

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40658 of 2021**

Arising Out of PS. Case No.-200 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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DEEPAK YADAV @ DEEPAK KUMAR S/o Ashok Yadav @ Ashok Prasad
Yadav Resident of Village- Heera Tol, P.S.- S. Kamal, Distict- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 14-12-2021 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Sahebpur Kamal PS case no. 200 of 2020 instituted for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

The learned counsel for the petitioner seeks to
file a supplementary affidavit which is taken on record. In the
said supplementary affidavit, it has been mentioned that the
petitioner had earlier moved for grant of anticipatory bail but the
same had stood dismissed, on account of the petitioner having
been arrested during the pendency of his anticipatory bail
petition.



The allegation is regarding recovery of 357.375 liters of illicit foreign liquor from near a poultry farm and two motorcycles were also recovered. It is stated that upon inquiry, it transpired that one of the motorcycle belongs to the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 01.06.2021. The learned counsel for the petitioner has further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court by an order dated 30.11.2021, passed in Cr. Misc. no. 39478 of 2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be



released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Sessions Judge II-cum- Special Judge, Excise Act, Begusarai in connection with Sahebpur Kamal PS case no. 200 of 2020.

(Mohit Kumar Shah, J)

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