

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3707 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- KATHAIYA District- Muzaffarpur

DEEPAK KUMAR @ DIPAK KUMAR S/o Pramod Mahto @ Pannalal
Resident of Village - Harpur P.S. Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Kathaiya Police Station Case No. 18 of 2021, registered for the offences punishable under 30 (a) of the Bihar Prohibition and Excise Act, 201.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that the petitioner, along with other co-accused persons, is selling illicit liquor by keeping the same in a hut, raided the place of occurrence and recovered 28.125 litres of illicit liquor from the hut, situated in front of the house of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique



motive and he has not committed any offence in the manner alleged. He further submits that no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioner; rather the illicit liquor has been recovered from a hut, which is situated in front of his house and is accessible to all and sundry. He further submits that the petitioner has no concern either with the illicit liquor or the hut. He further submits that the petitioner is in custody since 16.11.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioner, charge sheet has already been submitted and the petitioner is in custody since 16.11.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of
learned Special Judge, Excise, Muzaffarpur, in connection with
Kathaiya Police Station Case No. 18 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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