

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25833 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- MATIHANI District- Begusarai

Deepak Singh son of shiv shankar singh @ shankar singh resident of village -
shishwa, p.s.- Barauni (Refinery O.P.), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Matihani
P.S. Case No. 32 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
298.800 litres of illicit IMFL from maize field.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery is made from open field, as per FIR and nothing surfaced during course of investigation, which may connect the petitioner with the present recovery of illicit liquor. It has submitted that name of the petitioner surfaced on the basis of information of police spy and involvement is due to criminal antecedents of more cases, in which, he is on bail.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has been made from open field.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, rather, the same has been recovered from open field, let the petitioner, above named, is directed to be released on bail in connection with Matihani P.S. Case No. 32 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Excise Court No.1, Begusarai, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) *Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

(iii) *That one of the bailors shall be Kanhaiya Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”*

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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