

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38397 of 2021

Arising Out of PS. Case No.-500 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

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Deepak Kumar @ Deepak Chaudhary S/O Raju Chaudhary R/O Village -
Prem Nagar, P.S. - Runnisaidpur, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner apprehends his arrest in connection
with Runnisaidpur P.S. Case No. 500 of 2020 registered for the
offence under Sections 30(a), 38 (i) (ii) and 41 of the Bihar
Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R.



The allegation against the petitioner is to involve in the recovery of 56.850 liter of illicit IMFL.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Alok Kumar and nothing incriminating has been recovered from the conscious physical possession of the petitioner, which may connect the petitioner from the present recovery of illicit IMFL. It has further been submitted that earlier to the present case, the petitioner was involved in one similar nature of excise case in which he is on bail and in that case, the name of the petitioner surfaced on the basis of suspicion.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that there is no recovery in furtherance of the confessional statement of the co-accused, which may connect the petitioner from the recovery of IMFL.

Considering the facts and circumstances as mentioned above, as nothing incriminating has been recovered from the conscious physical possession of the petitioner in furtherance of the confessional statement of the co-accused, let the petitioners, above named, in the event of their arrest or surrender



before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Runnisaidpur P.S. Case No. 500 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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
Devesh Kumar, who is the brother of the
petitioner and deponent of the present
anticipatory bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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