

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46708 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- PATEPUR District- Vaishali

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KAMAL YADAV @ KAMAL KUMAR S/o Ram Ekbal Yadav R/o village-
Bahura, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 48055 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- PATEPUR District- Vaishali

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DEEPAK KUMAR Son of Arun Kumar Mahto R/V- Kothia, P.S- Bangra,
Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 46708 of 2022)

For the Petitioner/s : Mrs. Rina Sinha

For the Opposite Party/s : Mr. Pradeep Narain Kumar

(In CRIMINAL MISCELLANEOUS No. 48055 of 2022)

For the Petitioner/s : Mrs. Rina Sinha

For the Opposite Party/s : Mr. Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-11-2022 At the outset, learned counsel for the petitioners seeks

permission to withdraw the anticipatory bail application filed in

respect of petitioner, Deepak Kumar (Cr. Misc. No.48055 of

2022) as he has already been apprehended by the police during

pendency of this application.

Permission is granted.



Accordingly, Cr. Misc. No.48055 of 2022 is dismissed as withdrawn so far as petitioner, Deepak Kumar (Cr. Misc. No.48055 of 2022) is concerned.

Heard learned counsel for the petitioner and learned APP for the State through virtual court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a)/32(2)/38(2)/41(1) of the Bihar Prohibition and Excise Act.

615.6 litres of foreign liquor has been recovered from a pick-up van.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is also submitted that there is no recovery from the conscious possession of the petitioner and the apprehended person disclosed the name of the petitioner.

Petitioner is agree to deposit a sum of Rs. 25,000/- (rupees twenty five thousand) in Bihar State Legal Services Authority bearing Account No.0380000100252472, IFSC Code: PUNB0038000, Punjab National Bank, Patna.

Taking into consideration the fact that there is no



recovery from the conscious possession of the petitioner, let petitioner, namely, Kamal Yadav @ Kamal Kumar, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No.153 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the further conditions that:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(Anjani Kumar Sharan, J.)

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