

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44289 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- BAUNSI District- Banka

Deepak Kumar Son of Ajay Yadav Resident of Village - Bhirkhi Navtoliya,
Ward No. 21, P.S. And Distt. - Madhepura

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Bounsi P.S. Case No. 275 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 26.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 184.5 litres of IMFL/country made liquor
from alleged vehicle.

6. Learned counsel appearing on behalf of the



petitioner submitted that the name of petitioner surfaced in this case on the basis of disclosure made by apprehended driver and co-passengers, where nothing incriminating including illicit liquor appears to be recovered from conscious physical possession of this petitioner during the course of investigation. It is further submitted that petitioner was not apprehended on spot and he was named with present case only out of suspicion arises from his criminal antecedents, as he found involved in 14 more criminal cases of similar nature, where he is on bail in 13 cases and in most of the cases, name of this petitioner surfaced on the basis of disclosure made by co-accused persons, as of the present case. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.05.2023, accordingly, above named petitioner is directed to be released



on bail in connection with Bounsi P.S. Case No. 275 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Banka/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/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) That 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 deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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