

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52230 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- MANIYARI District- Muzaffarpur

Deepak Kumar Son Of Shivchandra Rai Resident Of Village- Mahua
Singhray, Ps -MAHUA, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
17.06.2023 in connection with Maniyari P.S. Case No. 03 of
2023, F.I.R. dated 04.01.2023 for the offences punishable under
Sections 272, 273, 420, 120B of the Indian Penal Code and
Sections 30(a), 32(2)(3) and 41(1)(2) of the Bihar Prohibition
and Excise Act.

4. Recovery is of 2205 liters of illicit liquor.

5. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the name of the petitioner has been transpired during investigation on the disclosure made by the co-accused person, namely, Sunny Kumar Jha. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the vehicle in question and the petitioner has no concern at all with the alleged recovery of the illicit liquor or the vehicle in question or the co-accused persons. He further submits that except the disclosure made by the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. The petitioner is in custody since 17.06.2023.

6 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight criminal antecedents other than the present one.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No. 2, Muzaffarpur in connection with Maniyari P.S. Case No. 03 of



2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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