

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63226 of 2023

Arising Out of PS. Case No.-491 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Deepak Chaudhary @ Deepak Kumar S/O Raju Chaudhary R/O Village-
Premnagar, P.S- Runnisaidpur, Distt.- Sitamarhi, Mobile No. 9939686146.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Runnisaidpur P.S. Case No. 491 of 2020 dated 08.10.2020,
instituted for the offence punishable under Sections 414 of the
Indian Penal Code and 30(a), 38(i) (ii), 41 of Bihar Prohibition
and Excise Act, 2016.

3. The allegation is of recovery of 260.250 litres of
foreign liquor from Bolero Maxi truck, 180 litres of foreign
liquor from a Sumo victa vehicle, 90 litres of foreign liquor
from a Maruti Swift car, 27 litres of foreign liquor from a Bajaj
motorcycle and 2405.460 litres of foreign liquor from the house
of co-accused namely, Manoj Kumar as well as Rs. 1,59,800/-
from the almirah of co-accused namely Amit Prasad.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. and only on the basis of confessional statement of one Amarjit Kumar @ Ujjawal Singh, the petitioner has been made accused in this case. Learned counsel further submitted that petitioner has no concern with the aforesaid seized vehicle. It is further submitted other co-accused person namely Manoj Kumar has been granted bail *vide* order dated 17.12.2021 by a Co-ordinate Bench of this Court passed in Criminal Miscellaneous No. 32308 of 2021 (Annexure-2). Lastly, it has been submitted that the petitioner has four criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Runnisaidpur P.S. Case No. 491 of 2020 , he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Exclusive Special Excise Court- I, Sitamarhi/
Competent Jurisdiction, subject to condition as laid down under
Section 438(2) of the Cr.P.C. as also to the following
conditions:-

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

2. One of the bailors will be his own blood relation,
preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will
inform the court concerned if the petitioner is made accused in
any other case of similar nature after his release in the present
case and thereafter the court below will be at liberty to initiate
the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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