

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63079 of 2022**

Arising Out of PS. Case No.-236 Year-2022 Thana- MADANPUR District- Aurangabad

DEEPAK KUMAR @ MANISH KUMAR S/O Shyam Dev Chaudhary R/O
Village- Mithaya Tola Noniyadih, P.S- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Madanpur Police Station (for brevity, **PS**) Case No 236 of 2022 registered for the offence punishable under Sections 30 (a), 37 of Bihar Prohibition and Excise (Amendment) Act (for brevity, the **Act**), 2018.

There is alleged recovery of 14 liters of illicit liquor from the house of co-accused Lakhan Choudhary, Shyam Choudhary and D C M Choudhary.

It is submitted that petitioner is not named in the First Information Report. His name has been dragged in this case on the basis of alleged information from policy spy. There is no



cogent material to connect the petitioner with the alleged recovery and implication is on account of his earlier implication in Madanpur PS Case No 328 of 2022 under Sections 30 (a), 37 of the Act. He is in custody since 30.05.2022 and co-accused persons, namely, Satendra Paswan, Saleshe Kumar, Ajay Rikhiyan, Vijay Paswan, Lakhan Chaudhary, Ajit Kumar have already been granted bail by this Court by orders dated 02.09.2022, 27.08.2022, 27.08.2022, 09.09.2022, 27.08.2022, 12.10.2022 passed in Cr Misc No 38911 of 2022, 38511 of 2022, 387621 of 2022, 4027 of 2022, Cr Misc No 40303 of 2022, Cr Misc No 45047 of 2022 respectively.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge of Excise-I, Aurangabad in Madanpur PS Case No 236 of 2022, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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