

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67206 of 2022

Arising Out of PS. Case No.-963 Year-2021 Thana- KUDHNI District- Muzaffarpur

DEEPAK KUMAR SINGH @ DEEPAK KUMAR, Son of Sunil Kumar Singh @ Sunil Singh, R/O Village- Pupari, P.S.- Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Ms.Pushpa Sinha No.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Kudhani (Turki O.P.) P.S. Case No. 963 of 2021 registered for the offence punishable under Sections 272, 273, 467, 468, 120B and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution case alleges that 879.850 litres illicit liquor has been recovered from a pickup van. The driver has allegedly fled away.

Learned counsel for the petitioner submits that the petitioner has been dragged in this case on alleged secret information. Implication is based on one antecedent prior to his arrest in the instant case. After his arrest also he has been implicated in one case of similar nature. He is stated to be in custody since 18.08.2022.



Neither there is any recovery alleged from the petitioner nor has he been arrested from the pickup van from which recovery is alleged. Moreover, investigation is also complete. Recovery is denied and disputed and is stated to be not in accordance with law.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody 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 of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Court No. II, Muzaffarpur, in connection with Kudhani (Turki O.P.) P.S. Case No. 963 of 2021, 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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