

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37938 of 2024

Arising Out of PS. Case No.-640 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

Deepak Chaudhary @ Deepak Kumar Son Of Vijay Chaudhary @ Vijay Singh Resident Of Village - Wajirganj, Police Station - Sasaram (M), District – Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Sasaram (M) P.S. Case No. 640 of 2018 registered for the offences punishable under Sections 30(a), 35 and 38 of the Bihar Prohibition and Excise Act, 2016. He has two criminal antecedents as stated in paragraph '3' of the application wherein he is on bail.

3. The allegation against the petitioner is involved in illegal trade/manufacturing of illicit liquor where there is recovery of 240 liters of spirit and 137.28 liters of country made foreign liquor.

4. Learned counsel appearing on behalf of the



petitioner submitted that name of this petitioner appears in this case on the basis of unknown police spy, where aforesaid illicit liquor and spirit appears to be recovered from the agricultural field of one Somaru Choudhary @ Bhagwat Singh, which is an open place and accessible to general public. It is pointed out that petitioner is involved in two more cases but of different nature, where he is on bail.

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

6. In view of the aforesaid factual submissions that the implication of petitioner appears *prima-facie* out of suspicion as his name appears with the present case on the basis of secret information given by unknown police spy, where no incriminating material appears recovered from conscious physical possession of the petitioner as the recovery is admittedly from open place, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to



the satisfaction of learned Exclusive Special Excise Court No.
2-cum- Additional District and Sessions Judge, Rohtas at
Sasaram, in connection with Sasaram (M) P.S. Case No. 640
of 2018, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

U		T	
---	--	---	--

