

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52636 of 2023**

Arising Out of PS. Case No.-28 Year-2023 Thana- HATHIDAH District- Patna

DEEPAK KUMAR S/O SRI DEVNANDAN RAM @ DEBU RAM R/O  
VILLAGE- DARGAHI TOLA, PS. HATHIDAH, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Manglam, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      19-08-2023                      Heard Mr. Kumar Manglam, learned counsel  
appearing on behalf of the petitioner and Mr. Gauri Shankar  
Gupta, learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection  
with Hathidah P.S. Case No. 28 of 2023, dated 27.04.2023,  
registered under Sections 30 (a) of the Bihar Prohibition and  
Excise (Amendment) Act, 2016.

3. As per allegation made in the F.I.R. total 91.95  
liters foreign liquor was recovered from the gali near Union  
Bank of India situated in front of the house of the petitioner.

4. Learned counsel appearing on behalf of the  
petitioner submits that four criminal cases have been lodged  
against the petitioner and in this regard clear statement has been  
made in paragraph-3 of the bail application. However, so far as



allegation made in the present F.I.R., recovery has been made from the gali near the Union Bank of India, situated in front of the house of the petitioner. The alleged foreign liquor does not belongs to the petitioner, nor the petitioner is relating to the trade of illegal liquor. The petitioner is ready to abide by any condition of the Court.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that petitioner has however criminal antecedents.

6. Considering the nature of allegation as well as the recovery of foreign liquor which was lying near the gali of Union Bank of India in front of the house of the petitioner. Learned counsel submits that petitioner is ready to abide by undertaking that he will not indulge in trade of liquor in future.

7. In case such affidavit is filed, the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of three weeks from today, 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 Act, Barh, Patna in connection with Hathidah P.S. Case No. 28 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



and till then no coercive steps shall be taken against the petitioner.

8. In case, such affidavit is not filed within three weeks, this order will automatically loose its force.

**(Purnendu Singh, J)**

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