

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33869 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- Excise P.S. District- Samastipur

Deepak Kumar @ Vicky Kumar SON OF Umesh Sah R/O Village
Rupnarayanpur Bela, Ward No. 4, P.S. -Karpurigram, Dist.- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case as stated in the
supplementary affidavit.

4. Allegation is of recovery of 19.620 litres of liquor
from a hut alleged to be in possession of the petitioner.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is further submitted
that it has been specifically asserted and pleaded in the
anticipatory bail application that petitioner has no concern with



the hut in question and he came to be implicated based on secret information which is the easiest way to implicate someone. It is next submitted that this perhaps explains how the police in a mechanical manner implicate once a person is implicated in a case relating to excise. It is also submitted that it absolutely does not stand to reason what the informant meant when he said that hut was in possession of the petitioner but then did not disclose the owner of the hut which casts an aspersion on the case of the prosecution.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur Excise P.S. Case No. 93 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting



the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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