

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61087 of 2024

Arising Out of PS. Case No.-458 Year-2024 Thana- ALAMGANJ District- Patna

Deepak Kumar, Son of Basudev Sah @ Vasudev Saw, R/o Mohalla- Alamganj
Chowki, P.S.- Alamganj, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate
For the Opposite Party : Mrs. Shaheen Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Alamganj P.S. Case No. 458/2024 dated 06.06.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 250 litres of illicit country made *Mahua* liquor was recovered from the *Ganga river* which was alleged hidden by the co-accused Chhotu Kumar @ Chhotu Sahani and the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern



with the alleged offence. No incriminating article has been recovered from his possession. He was not arrested on the spot. There is no compliance of Section 100 of the Cr.P.C. The other co-accused Pachu Sahani @ Paachu Shani has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 55886 of 2024 under order dated 05.08.2024. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City, Patna, in connection with Alamganj P.S. Case No. 458 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

