

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14049 of 2025

Arising Out of PS. Case No.-263 Year-2023 Thana- PHULWARIYA District- Gopalganj

Deepak Kumar @ Deepak Pashwan, S/o Umesh Manjhi @ Umesh Pashwan
R/o Vill.- Mishrbatraha Magirwa, P.S.- Mirganjh, Dist.- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rishi Sinha, Advocate
For the State : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Phulwaria P.S. Case No. 263 of 2023, dated
23.07.2023 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation, two persons including the
petitioner were coming by bicycle with illicit liquor in sack and
seeing the police, one of them fled away leaving the bicycle and
the contraband and one of them was apprehended on the spot
and as per the further allegation, the petitioner is one, who had
fled away seeing the police and there is recovery of two liter
illicit liquor from the cycle.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner has nothing to do with the cycle and the alleged contraband and the name of the petitioner has been dragged in this case on the basis of suspicion without any cogent evidence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-II-cum-Special Excise Court No.1, Gopalganj, in connection with Phulwaria P.S. Case No. 263 of 2023, subject to the conditions as laid



down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

Ravishankar/-

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