

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24632 of 2025**

Arising Out of PS. Case No.-75 Year-2025 Thana- MIRGANJ District- Gopalganj

Deepak Kumar @ Deepak Sah S/O Late Jitendra Gupta @ Late Jitendra Prasad R/O Village- Mirganj Laxmi Mohalla, Ward No. 21, P.S- Mirganj, Distt.- Gopalganj. At present resident of Mohalla- Ward No.8, Dakshin Mohalla, Mirganj, P.S- Mirganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      02-05-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Mirganj P.S. Case No. 75 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The allegation against the petitioner is of indulged in trafficking of illicit wine; the police on a secret information reached at Laxmi Nagar Colony, Ward no.21, however, noticing the police party, two persons succeeded in fleeing away. In course of search, 136.230 lts. of Indian Made Foreign Liquor was recovered from a gunny bag, which was kept hidden in the garbage and bush leading to preparation of seizure list.



4. Learned counsel for the petitioner referring to the FIR has contended that the name of the petitioner has surfaced on the disclosure made by the local villagers, which does not inspire confidence for the simple reason that the name of the villagers has not been disclosed. It is further contended that the alleged recovery is made from an open place, which is easily accessible to all. However, on account of two past criminal antecedent as has been disclosed in para-3 of the bail application, the name of the petitioner has been implicated in this case without there being any material. In the aforesaid premise, it is urged by the learned counsel for the petitioner that the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 would not applicable.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner bears two criminal antecedent; one of which is identical in nature.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place, which is easily accessible to all, coupled with the fact that save and except the disclosure of the villagers, there is no other material suggesting



complicity of the petitioner in crime and, as such the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, in the opinion of this Court, is not applicable, let 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 four 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 Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Mirganj P.S. Case No. 75 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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