

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38228 of 2025**

Arising Out of PS. Case No.-2050 Year-2024 Thana- Excise P.S. District- Patna

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Dipak Kumar Son of Dinesh Yadav Resident of Milkipar, Police Station - Ghosi, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajiv Ranjan, Adv

For the Opposite Party/s : Ms. Asha Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

5      17-10-2025                      Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Patna Excise Thana Prohibition Case No. 2050 of 2024 registered for the offences under Sections 30(a), (f), 32(1), (2), (3), 41 (1), (2) and 56 (b) Bihar Prohibition and Excise Act, 2016.

3. The petitioner is named in the F.I.R. and is in custody since 29.08.2024.

4. Present is the second successive prayer of bail of petitioner after rejection of his first prayer of bail through Cr. Misc. No. 1777 of 2025 dated 19.02.2025.

5. Learned counsel appearing on behalf of the petitioner submitted that present petition preferred solely on two grounds i.e., (1). custody period/slow progress of trial and (2). changed



circumstances as co-accused Girish Kumar, who is the owner of the godown was granted anticipatory bail, subsequently by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 79053 of 2024 dated 19.04.2025. It is submitted that despite custody of one year and two months, still this matter is at the stage of appearance suggesting, prima-facie that trial of this case is not likely to conclude in the near future, which also appears in violation of fundamental right of petitioner *qua* speedy trial available under Article 21 of the Constitution of India. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon & Ors Vs. Home Secretary, State of Bihar, [1980 (1) SCC 98]**. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not disputed factual submissions.

7. In view of aforesaid factual submission and by taking note of fact as petitioner remains in custody for about one years and two months, where still this case is at the stage of appearance,



prima-facie suggesting that trial is not likely to conclude in the near future coupled with the fact that subsequent to the rejection of prayer of first regular bail of petitioner, one of the learned Co-ordinate Bench granted anticipatory bail to the similarly situated co-accused, who is owner of the godown as discussed aforesaid, accordingly above named petitioner, is directed to be released on bail in connection with Patna Excise Thana Prohibition Case No. 2050 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-3, Patna/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

**(Chandra Shekhar Jha, J.)**

S.Tripathi/-

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