

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40471 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- Excise P.S. District- Samastipur

Deepak Prasad @ Deepak Kumar @ Dipak Kumar Son of Fuldeo Mahto @
FulDev Prasad R/O Vill- Dekari Jahdgirpur, Ward No.05, P.S - Khanpur,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 30-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
under Sections 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of
233.640 litres of illicit liquor from Hyundai Accent car bearing
Reg. No. BR02-U-7951. It is alleged that the accused persons
tried to flee away from the spot but one accused person, namely,
Ram Sujeet Kumar apprehended on the spot, who disclosed the
name of this petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case merely on the confessional statement of apprehended co-



accused. Further submission is that petitioner is neither the driver nor the owner of the seized vehicle. Petitioner was not present on the spot. Petitioner has no concern with the seized illicit liquor and nothing has been recovered from the conscious possession of the petitioner. Petitioner has two criminal antecedents out of which, one belongs to Excise Act, and in both the cases, petitioner is on bail. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court-II, Samastipur in connection with Excise P.S. Case No. 85 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023 with further conditions:-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bond;

(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bond.

(Sunil Dutta Mishra, J)

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