

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62375 of 2025

Arising Out of PS. Case No.-363 Year-2025 Thana- SUPAUL District- Supaul

Deepak Kumar S/O Parmeshwari Sutihar R/O Village- Panchgachhia, P.S.-
Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Shadab Alam Wazdi, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Excise S.T. Case No. 672 of 2025 arising out of Supaul P.S. Case No. 363 of 2025, registered for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, police received secret information about two persons transporting illicit liquor in two jute bags keeping it on their motorcycle. The said motorcycle was signalled to stop but the driver and his pillion tried to run away but the pillion, the petitioner in the present case, was apprehended. In the jute bags left behind on the motorcycle,, 245 litre of country made *chulai* liquor was recovered.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner has been arrested merely on suspicion and he has no concern with either the seized liquor or the seized motorcycle as he is neither the owner nor driver of the said motorcycle. Learned counsel further submits that the mandatory provisions of the search and seizure have not been complied with. The petitioner is having no criminal antecedents and he is in custody since 13.07.2025.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that petitioner is not stated to be either the owner or the driver of the motorcycle on which the contraband was loaded and further considering his period of custody and clean antecedent, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Supaul /concerned court, in connection with Excise S.T. Case No. 672 of 2025 arising out of Supaul P.S. Case No. 363 of 2025, subject



to the condition laid down under Section 480(3) of the BNSS
and other following conditions:

(i) One of the bailors will be a close
relative of the petitioner.

(ii) The petitioner will remain present on
each and every date fixed by the court
below, if so required by the learned trial
court.

(iii) In case of absence on three
consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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