

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62552 of 2025

Arising Out of PS. Case No.-137 Year-2025 Thana- GAMAHAIRIYA District- Madhepura

Deepak Kumar son of Dilip Yadav R/o Village- Kamaljari P.S-Gamharia
District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-09-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Gamharia Police Station Case No. 137 of 2025, dated 01.07.2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution story, as per the First Information Report, is that on 01.07.2025, the police got secret information that the petitioner and co-accused Chandan Yadav @ Bhusuk Yadav have kept the illicit liquor in the house of co-accused Chandan Yadav and are allegedly selling illicit liquor. The police reached at the place of occurrence and upon seeing the police, both accused persons fled away.



Upon search, 14.250 litres of foreign liquor and 9 liters of beer were recovered from the said house.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence and he has falsely been implicated in the present case on the due village politics and on the basis of secret information. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioner and/or from the premises belonging to him, rather, the same has been recovered from the house of co-accused Chandan Yadav, who has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 61715 of 2025.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from house of co-accused Chandan Yadav, who has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned DASJ-V -cum- Special Judge, Excise Court-1, Madhepura, in connection with Gamharia Police Station Case No. 137 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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