

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79635 of 2024

Arising Out of PS. Case No.-392 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

Deep Shankar Singh @ Deep Shankar Kumar Singh Son of Umesh Singh @
Umesh Prasad Singh Resident of Village and P.S.- Kotwa, District- East
Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kuchaikote P.S. Case No. 392 of 2018, registered for the
offences punishable under Sections 420, 467, 468 and 414 of the
Indian Penal Code and Sections 30(a)(b)(c), 38 and 41(a)(b) of
the Bihar Prohibition & Excise Act.

3. At the outset, learned Advocate for the petitioner
contended that earlier, the petitioner had moved before this
Court in Cr. Misc. No. 29266 of 2019, wherein, the prayer for
bail of the petitioner was turned down, in view of the
observation made by this Court that, “the petitioner has not been
able to show that any material change on the question of



maintainability has come about as a result of the recent judgment dated 17.05.2019 of a Full Bench of this Court in Cr. Appeal (SJ) No. 431 of 2019 (***Ram Vinay Yadav Vs. The State of Bihar***).”

4. Learned Advocate for the petitioner contended that now in view of the amendment made in the year 2018, the presumption of the guilt as has been incorporated in Section 32 of the Bihar Prohibition and Excise Act has taken away, inasmuch as, there is no recovery, either from conscious and constructive possession. Moreover, one of the co-accused person with identical nature has been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No. 82170 of 2024 and, as such, a fresh cause of action has arisen in favour of the petitioner and thus, the present application.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that apart from two criminal antecedent of the petitioner, the petitioner has been evading from the due course of law since 2019 as the prayer for bail of the petitioner has been turned down in 2019.

6. Regard being had to the submissions made on behalf of the parties and considering the prayer for bail of the petitioner was negated way back in the year 2019 and since



then, he has been evading from the due course of law, apart from criminal antecedent, this Court is not acceded to the prayer of the petitioner. Accordingly, the prayer for bail of the petitioner stands rejected.

7. However, if the petitioner surrenders preferably within a period of four weeks, from today, the jurisdictional Court shall consider the prayer for bail of the petitioner without being prejudiced by the order of this Court; taking note of the fact that the co-accused person with identical allegation has been allowed the privilege of anticipatory bail.

8. The bail application stands dismissed with the aforesaid observation.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

