

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79893 of 2025

Arising Out of PS. Case No.-94 Year-2025 Thana- BHUTAH I District- Sitamarhi

Deepu Kumar, S/o- Ram Ekbal Mahto, Resident of Village- Bhaluaha, PS-
Sonbarsa, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-12-2025 Heard Mr. Subodh Kumar, learned counsel for the
petitioner and Mr. Parmanand Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bhutahi P.S. Case No. 94 of 2025 dated 17.08.2025 registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act (in short, 'Excise Act').

3. The main submissions advanced by petitioner's counsel are that the petitioner is 22 years old and his past is completely clean and he has never remained involved in any activity relating to the smuggling of excise material and he has been made accused mainly on the basis of a secret information and as per the prosecution story, the illicit liquor was recovered from a *Swift Dzire* car and a bullet motorcycle but the petitioner



is neither the owner of the said vehicles nor he was the driver of the same during the relevant time of the recovery and in this regard, he has made specific statement in his bail petition. It is lastly submitted that there is no independent witness of the recovery of the alleged liquor and in the seizure memo there is details of the FIR No. whereas it is an admitted position that the seizure memo was prepared before the registration of the FIR, which casts a serious doubt on the credibility of the recovery of the alleged liquor and alleged offence of the Excise Act, under which the FIR has been registered, does not attract even *prima facie* against this petitioner on account of non-availability of admissible evidence against the petitioner.

4. Learned APP for the State has opposed the prayer of the petitioner.

5. In the facts and circumstances of this case and considering the above stated facts and mainly the petitioner's clean antecedent and his young age, this Court is inclined to accept his prayer for anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two



sureties of the like amount each to the satisfaction of the Court concerned in connection with Bhutahi P.S. Case No. 94 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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