

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9453 of 2026

Arising Out of PS. Case No.-191 Year-2025 Thana- BADHAILA District- Rohtas

Deepak Kumar @ Ankush Kumar S/O Sajjan Singh R/O Village- Bhatauli,
P.S- Baghaila, Distt.- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Baghaila P.S. Case No. 191 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018/2022.

3. As per prosecution case, 25 litre country made illicit liquor was recovered from plastic sack and apprehended co-accused Chandan Kumar disclosed the name of the petitioner, who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case.



Petitioner bears one criminal antecedent in which he is on bail. He further submits that petitioner was not found at the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. It is submitted that the name of the petitioner has transpired only on the basis of disclosure made by the apprehended co-accused Chandan Kumar, and the disclosure of the co-accused has no evidentiary value. He further submits that except disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Search and seizure has not been made as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the petitioner is F.I.R. named accused hence, he cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the



learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-1, Rohtas at Sasaram in connection with Baghaila P.S. Case No. 191 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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