

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14416 of 2026**

Arising Out of PS. Case No.-700 Year-2024 Thana- LAHERIYASARAI District- Darbhanga

Deepak Tiwary S/O Late Mugal Tiwary R/O Village- Sograha Barauni  
Phoolwariya, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                |
|----------------------------|---|--------------------------------|
| For the Petitioner/s       | : | Mr. N.K. Agrawal, Sr. Advocate |
|                            |   | Mr. Raju Kumar, Advocate       |
| For the Opposite Party/s : |   | Mr. Dilip Kumar No. 1, APP     |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      13-03-2026                      1. Heard learned Senior counsel for the petitioner, Mr. N.K. Agrawal and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 303(2) and 3(5) of the BNS, 2023 read with Section 37 of the Bihar Excise Act.
3. Learned Senior counsel for the petitioner submits that petitioner has antecedent of three cases and the informant alleges that he along with his daughter went to purchase a mobile charger when two persons entered his shop and one of the accused persons took Apple mobile from the pocket of his daughter, on alarm local people gathered and caught one accused and called the police on 112 and handed over the



apprehended accused, on interrogation the apprehended accused disclosed the name of the petitioner and the apprehended accused was found in an intoxicated condition.

4. Learned Senior counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession. It is next submitted that name of the petitioner transpired in the confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is also submitted that petitioner was not found in an intoxicated condition rather the accused who was apprehended, he was found in an intoxicated condition, as such, offence under the Excise Act is not made out.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has antecedent of three cases and if privilege of anticipatory bail is granted to the petitioner, he may abscond. It is further submitted that allegation is of committing theft of the mobile of the daughter of the informant when she had gone to purchase a charger in a shop.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.



**7. Accordingly, the instant anticipatory bail application stands rejected.**

**(Satyavrat Verma, J)**

Rishabh/-

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