

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22893 of 2026**

Arising Out of PS. Case No.-37 Year-2026 Thana- INDUSTRIAL District- Bhagalpur

1. Deepak Kumar Son of Dhaturi Sah
2. Dhaturi Sah Son of Rajendra Sah  
Both Resident of Village- Ranitalab, P.S.- Industrial, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate  
For the Opposite Party/s : Ms.Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      08-04-2026                      Heard Mr.Diwakar Upadhyaya, learned counsel for the petitioners and Ms.Gulnar Begum, learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 22.02.2026 in connection with Industrial P.S. Case No. 37 of 2026, F.I.R. dated 22.02.2026 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022 (Amended).

3. Recovery is of 300 liters of local made liquor.

4. Learned counsel appearing for the petitioners submits that from a bare perusal of the FIR it appears that the petitioners have been made accused in the present case merely on the basis of suspicion, nothing has been recovered from



conscious possession or the house of the petitioners rather the recovery has been made from behind the house of the petitioners and except the suspicion, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and the petitioners are in custody since 22.02.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No.1 carries one more case of similar nature other than the present one but he fairly submits that he is on bail the said case and petitioner No.2 has clean antecedent, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-01, Bhagalpur Camp at Naugachia or Successor Court in connection with Industrial P.S. Case No. 37 of 2026, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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