

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33478 of 2026

Arising Out of PS. Case No.-56 Year-2026 Thana- MADHEPUR District- Madhubani

Dipak Kumar @ Dipak Kumar Sah son of Jiwachh Sah @ Makhan Sah
Resident of village- Madhepur Sangat Chowk Ps- Madhepur Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Mr. Baleshwar Kamat, learned counsel for the
petitioner and Mr. Ramesh Chandra, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 08.04.2026, in connection with Madhepur P.S. Case No. 56 of 2026, F.I.R. dated 27.02.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2016.

3. Recovery is of 973.560 litres of illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the shop in question and the petitioner has been



made accused in the present case merely on the basis of confessional statement of co-accused person, namely, Bimal Kumar Sah and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that the petitioner is not apprehended from the place of occurrence and the petitioner is in custody since 08.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person, let the petitioner, above named, be released on 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 Exclusive Special Judge Excise Act,



Jhanjharpur, Madhubani, in connection with Madhepur P.S.
Case No. 56 of 2026 (G.R. No. 107 of 2026), subject to the
following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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.

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(Rajesh Kumar Verma, J)

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