

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36721 of 2026

Arising Out of PS. Case No.-278 Year-2025 Thana- Excise P.S. District- Muzaffarpur

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Dipak Kumar @ Deepak Kumar Singh Son of Parasnath Yadav Resident of
Village- Balesara Tola Jahrule Hatta, P.S.- Uchkagaon, District- Gopalganj.
... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in
connection with Excise P.S. Case No. 278 of 2025 registered
for the offences punishable under Sections 30(a), 32(3) of the
Bihar Prohibition and Excise Act, 2016 (Amended 2018 &
2022).

3. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 1071.360 litres of IMFL/country made liquor
from the vehicle.

4. Learned counsel appearing on behalf of the
petitioner submitted that the present case was lodged on



25.02.2025, the day on which the petitioner was in judicial custody in connection with Mirganj P.S. Case No. 521 of 2024 in which he was later on acquitted. It is pointed out that one of the reason for suspicion of petitioner is inimical terms with police and for that reason he was implicated in 17-18 similar nature of cases, where he is on bail. It is pointed out that the implication of this petitioner is for the reason that he is the owner of the vehicle, from which the foreign liquor was recovered. It is submitted that if merit of this case is otherwise convincing in favour of petitioner, merely on the basis of his criminal antecedent, the bail of petitioner ordinarily should not be rejected. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.***

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as the recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on



bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. II, Muzaffarpur/concerned Court, where the case is pending in connection with Excise P.S. Case No. 278 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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