IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77229 of 2026

CNR No. BRHC011114432026

Arising Out of PS. Case No.-346 Year-2026 Thana- DARBHANGA SADAR District-Darbhanga

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Deepak Sah S/O Pawan Sah R/O village- Kharuwa, P.S.- Sadar, Dist-Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Virendra Kumar, Adv.
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 28-10-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Darbhanga Sadar P.S. Case No. 346 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. Allegedly, on the tip-off, a raid was conducted at the petitioner's house, from the surrounding areas of which, 1,062 bottles (318.6 litres) of Saurabh Soffi country-made liquor were recovered.

4. Learned counsel for the petitioner has

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submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that nothing was recovered from conscious possession of the petitioner rather the same was recovered from an open place, which is accessible to everyone. He has also submitted that during course of the investigation, not a single independent witness came forward to support the prosecution case. It has further been contended that the petitioner has been implicated in the present case due to the high-handedness of the local police. He has further submitted that the petitioner has involved in seven other cases, in which, he is on bail. The petitioner has been in judicial custody since 17.09.2026. Learned counsel for the petitioner has drawn my attention towards paragraph no. 14 of the main bail petition, from perusal of which, it appears that the marriage of daughter of the petitioner is fixed on 25.11.2026 and hence, the presence of the petitioner is essential. He undertakes that the petitioner shall cooperate with the trial and shall not repeat any offence of similar nature.

5. On the other hand, the learned APP for the

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State has opposed the prayer for bail.

6. Taking into account the entire facts and circumstances of the case and also that petitioner has not been apprehended on spot and recovery has been made close to his house and not from his conscious possession, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-I/concerned Court, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 346 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below

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shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the seven cases as mentioned in paragraph no. 3 of the main bail petition, his bail bond will not be accepted. The cases mentioned in paragraph no. 3 of the main bail petition are as follows:-

(a) Darbhanga Sadar P.S. Case No. 543 of 2019.

(b) Darbhanga Sadar P.S. Case No. 299 of 2020.

(c) Darbhanga Sadar P.S. Case No. 436 of 2021.

(d) Darbhanga Sadar P.S. Case No. 434 of 2023.

(e) Jaynagar (Madhubani) P.S. Case No. 355 of 2024.

(f) Jaynagar (Madhubani) P.S. Case No. 422 of 2022.

(g) Darbhanga Sadar P.S. Case No. 305 of 2013.

(v) It is also made clear that there shall be no delay beyond a period of ten days in verifying the criminal antecedents of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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