

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43376 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- SITAMARHI District- Sitamarhi

SANTOSH SINGH @ SANTOSH KUMAR son of Basudeo singh Village-
Mohanpur Ps- Sitamarhi Dist- sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2.The petitioner in the present case is seeking pre-arrest bail in connection with Sitamarhi P.S. Case No.- 161 of 2023 registered for the offences punishable under Sections 30(a), 389(1)(2), 41(1) of the Bihar Prohibition and Excise Act, 2018. He has got two criminal antecedents.

3. Learned counsel for the petitioner submits that on 05.03.2023, as per secret information regarding storage of illicit liquor in the village, a raid was conducted. Some persons succeeded to flee while one was apprehended, who on interrogation disclosed that the said illicit liquor was got delivered by the petitioner and on search from a bus and godown of the petitioner, 1345.1 liters of foreign liquor was



recovered and a seizure list was prepared accordingly.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is not the owner of the bus and the godown is in joint proprietorship.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the materials showing that this petitioner has two criminal antecedents of similar nature and recovery of illicit liquor has not only been made from the bus but also from the godown which is said to be a godown of this petitioner as per seizure list, in this regard, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. The prayer for anticipatory bail of the petitioner is refused.

8. It is, however, open to the petitioner to surrender in the court below within a period of four weeks and produce cogent materials before the learned court below to show that the godown is not in his possession, if any such material is placed before the learned court below,



the prayer for regular bail of the petitioner shall be considered keeping in view the said material.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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