

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6010 of 2025

Arising Out of PS. Case No.-32 Year-2024 Thana- PATHAMARI District- Kishanganj

1. Santosh Kumar S/O Domi Sah R/O Vill.- Makhar, P.S.- Simri Bakhtiyarpur, Dist.- Saharsa.
2. Santosh Kumar S/O Prakash Sah R/O Vill.- Nawhatta, P.S.- Nawhatta, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Pathamari PS Case No. 32 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 27 litres of foreign liquor was recovered from Car.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. It is submitted that petitioner no. 1 is neither the owner nor the driver



of the seized vehicle. It is further submitted that the name of the petitioner no. 2 has transpired the vehicle in question is in the name of his wife. The petitioners have no knowledge regarding the nature of goods kept in the vehicle. The petitioners are in custody since 19.11.2024. Petitioner no. 1 has no criminal antecedent and petitioner no. 2 has one criminal antecedent in which he is on bail. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pathamari PS Case No. 32 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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