

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12038 of 2025

Arising Out of PS. Case No.-120 Year-2023 Thana- BHORE District- Gopalganj

Santosh Sah @ Gobardhan Sah @ Gobardhan, Son of Kokil Sah, R/o Village-
Rikhaibari Kalyanpur, P.S.- Bhore, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Raj, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bhore P.S. Case No.120 of 2023 registered for the offences punishable under Sections 30(a)/41(i) of the Bihar Prohibition and Excise Act.

3. A perusal of the First Information Report and the seizure list would go to show that 64.600 liters of country made liquor has been recovered from a motorcycle bearing Reg.No. BRA1K4353.

4. Learned counsel for the petitioner submits that the name of the petitioner has been disclosed by the local chowkidar and he is neither owner of the motorcycle nor has any concern with the liquor that was seized in the case. It has also been



submitted that the mandatory provisions of the Cr.P.C. have also been violated as the seizure list has not been signed by any independent witness. It has further been submitted that in any view of the matter, there is no recovery from the physical or conscious possession of the petitioner.

5. Learned APP submits that the petitioner has three criminal antecedents of the same nature to which learned counsel for the petitioner responds that the petitioner has already been granted bail in all the three cases.

6. Considering the abovementioned facts and circumstances, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-XIII-cum-Special Judge, Excise-1, Gopalganj in connection with Bhore P.S. Case No.120 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that:-

(i) The petitioner shall cooperate in the



investigation/trial.

(ii) The court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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