

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13776 of 2025

Arising Out of PS. Case No.-879 Year-2023 Thana- DANAPUR District- Patna

Santosh Kumar @ Santosh Sahni S/o Bhagwan Choudhary Resident of
Banpar Toli Nariyal Ghat, P.S.- Danapur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-02-2025 Heard Mr. Pramod Kumar, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
23.01.2025, in connection with Special Excise Case No. 651 of
2024, arising out of Danapur P.S. Case No. 879 of 2023, F.I.R.
dated 05.07.2023 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 48.750 litres of illicit *foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not
committed any offence as alleged in the F.I.R. He further
submits that it appears from the F.I.R. itself that nothing has
been recovered from the conscious possession of the petitioner



rather 48.750 litres of illicit foreign liquor has been recovered from the car in question and the name of the petitioner has been transpired on the basis of the disclosure made by co-accused person namely Mukesh Kumar. He further submits that co-accused persons namely Binod Sahani @ Binod Kumar, Naresh Sahani @ Naresh Chaudhary @ Lichi and Ramjee Sahani @ Ramjee Chaudhary have been granted the privilege of anticipatory bail by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 38428 of 2024. The petitioner is in custody since 23.01.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases of similar nature but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts that the name of the petitioner has been transpired on the basis of disclosure made by co-accused person as well as co-accused persons have been granted the privilege of anticipatory bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in connection with Special Excise



Case No. 651 of 2024 arising out of Danapur P.S. Case No. 879 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

