

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21981 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- FATEHPUR District- Gaya

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Santosh Sharma S/o Mathura Mistri R/o Village- Hariadag, P.S.- Mohanpur,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-05-2025 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Fatehpur P.S. Case No. 95 of 2025, lodged on 13.02.2025, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 7.5 litres of foreign liquor has been made which is the subject matter of the present case.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the recovery of alleged foreign liquor has been made from the motorcycle which was seized and thereafter this petitioner was made accused being owner of the motorcycle. Counsel submits that antecedent of the petitioner is clean. Counsel submits that the co-villager had taken his motorcycle on the pretext of going to the market for purchasing medicine and he is unaware about the fact that his motorcycle was being used for carrying liquor. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner but submits that antecedent of the petitioner is clean.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Excise Court No.4, Gaya, in



connection with Fatehpur P.S. Case No. 95 of 2025, subject to
the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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