

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25287 of 2025

Arising Out of PS. Case No.-414 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Santosh Kumar, Male, aged about 39 years, son of Binod Sah @ Binod Kumar Sah, R/O Village- Mirzapur, Ward No 7, P.S.- Sultanganj, Dist- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-05-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sultanganj P.S. Case No. 414 of 2024 dated 02.09.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 151.75 litres of illicit foreign liquor was recovered from the house of the petitioner which is constructed in animal feed shop.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner was not arrested on the spot. No incriminating article has been recovered from his possession. It



is further submitted that the shop from which the alleged recovery of illicit liquor was made which was running jointly in the name of the petitioner and his brother Mithilesh Kumar @ Mithilesh Sah. It is further submitted that during the course of investigation, it has come that the said shop was mainly run by the co-accused Mithilesh Kumar @ Mithilesh Sah and the petitioner being his brother seldom used to come at that shop. The petitioner had no knowledge that the illegal illicit liquor was kept in the shop in question. The petitioner has no concern with the alleged offence. It is further submitted that the other co-accused person, namely, Mithilesh Kumar @ Mithilesh Sah has already been granted bail by a Bench of this Court in Cr. Misc. No. 74294 of 2024 vide order dated 08.10.2024, annexed as Annexure-3 to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 19.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the



like amount each to the satisfaction of the learned Special
Excise Judge No. II, Bhagalpur in connection with Sultanganj
P.S. Case No. 414 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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