

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30758 of 2025

Arising Out of PS. Case No.-193 Year-2025 Thana- BARUN District- Aurangabad

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Santosh Yadav @ Santosh Kumar Yadav S/o Raju Yadav R/o Village- Keshav
Market, Bhuian Toli8, P).S.- Barun, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
		Mr. Adarsh Singh, Advocate
For the Opposite Party/s :		Mrs. Asha Devi, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2025 Heard Learned Senior counsel for the petitioner and

Learned A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Barun P.S. Case No. 193 of 2025 lodged on 11.04.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 pending in the Court of District & Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No.1, Aurangabad.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioner. Total recovery of 25.4 litres of illicit liquor has been made



which is the subject matter of the present case.

4. Learned Senior counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Senior counsel submits that nothing has been recovered from the petitioner's possession and his name has transpired in this case only by virtue of confessional statement of co-accused. Senior counsel further submits that the criminal antecedent of the petitioner is not clean as there are two cases pending against him and in both the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are two cases pending against him and both the cases are registered under Excise Act and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the Trial Court within a period of six weeks from today, then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering that whether ingredients of Excise Act is made out against petitioner or not,



without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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