

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33788 of 2025

Arising Out of PS. Case No.-37 Year-2011 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Santosh Singh @ Santosh Kumar Singh Son of Shambhu Singh Resident of
village - Dadanpur, P.S.- Maker, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 47 (a) of the Bihar Prohibition
and Excise Act.

3. Perusal of the first information report and the seizure
list, would go to show that total 60 liters of illicit liquor is said
to have been recovered from the poultry farm behind the house
of the petitioner.

4. It is submitted by learned counsel for the petitioner
that there is no recovery from the conscious or physical
possession of the petitioner. The place of recovery is an open
place and easily accessible to anyone, hence no liability can be



fixed on the petitioner. There is violation of the mandatory provisions of the search and seizure as there is no independent witness to the seizure list. Petitioner has been languishing in custody since 20.02.2025.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has four criminal antecedents of similar nature of the offence and also that he had remained absconding for long. In response to this, learned counsel for the petitioner submits that the petitioner is on bail in all the four cases. Learned counsel for the petitioner has also brought on record the order-sheet of the learned Court below to show that no proper service of bailable warrant has been made for a long time. Hence, there is no delay in approaching the Court for bail.

6. Taking into consideration the fact and circumstances of the case, the above named petitioner is directed to be enlarged 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 the learned Court below where the case is pending/successor Court in connection with Excise Case No. 37 of 2011, subject to the further condition that:

(i) The petitioner shall cooperate in the



investigation/trial.

(ii) The one of the bailors will be a family member
/close relative.

(iii) The petitioner shall remain physically present in
court on each and every date during trial till the framing of
charge and in the event of failure on two consecutive dates
without sufficient reasons, his bail bonds shall be liable to be
cancelled by the learned court concerned.

(Soni Shrivastava, J)

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