

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33621 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- DHIBRA District- Aurangabad

Santosh Kumar S/o Yugal Bhuiyan R/o Village- Iraf, P.S.- Amba, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhuresh Singh, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Dhibra P.S. Case No. 30 of 2025, GR No. 612/2025, registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018. Petitioner has
clean antecedent.

3. As per the prosecution case, on secret information,
two persons on a motorcycle was seen coming and intercepted
by the police. It is further alleged that one person managed to
escape and the other person who was apprehended, disclosed his
name as Santosh Kumar (petitioner). On search, total 77.76
liters of foreign liquor was recovered.

4. The learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case and admittedly the driver/owner of the motorcycle, co-accused Rakesh Kumar has fled away from the place of occurrence. The learned counsel submits that he has no concern whatsoever with the content which was seized by the police. It has lastly been submitted that the petitioner is in custody since 28.03.2025.

5. The learned A.P.P. for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties and taking into account that the petitioner has clean antecedent and the recovery was made from the motorcycle which does not belongs to the petitioner, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Special Judge, Excise Court No.-02, Aurangabad, (Bihar) in connection with Dhibra P.S. Case No. 30 of 2025, G.R. No. 612 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.



(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 antecedent, 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.

(Sourendra Pandey, J)

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