

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34035 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- GARKHA District- Saran

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Santosh Singh @ Santosh Kumar Singh S/o Gyaneshwar Prasad Singh R/o
Village- Kudar Bandha, P.S.- Garkha, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Noumaan Ahmad

For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Garkha P.S. Case No. 19 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 196.770 litre foreign liquor was recovered from the poultry farm of the petitioner.

4. Learned counsel for the petitioner submits that petitioner has already made an application before the S.H.O., Garkha, Saran with regard to activity of anti-social element on his poultry farm which is 1 km away from the house of the petitioner, as mentioned in Annexure 2 of the bail petition. Learned counsel orally submitted that place of recovery is an



open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from his conscious possession. Seizure list has not been made as per law. Petitioner has nothing to do with the alleged occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special



Excise Judge, Saran at Chapra in connection with Garkha P.S.
Case No. 19 of 2025, subject to the conditions as laid down
under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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