

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33672 of 2025

Arising Out of PS. Case No.-338 Year-2024 Thana- BARAULI District- Gopalganj

Santosh Sah S/o Bhola Sah R/o Vill- Milki Biraichaa, P.S.- Barauli, Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
: Mrs. Shambhavi Suyesha, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2025 Heard Mrs. Shambhavi Suyesha, learned counsel for

the petitioner and Mr. Surendra Kumar, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Barauli P.S. Case No. 338 of 2024 for the
offence under sections 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2022 lodged on 19.12.2024 by the informant,
Suvas Kumar.

3. As per the prosecution story, the informant alleged
that on secret information the house of the petitioner was raided
and there is recovery/seizure of 720 ml foreign liquor and 20
litres country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that it is



a joint house, nothing recovered from his conscious possession nor he has criminal antecedent.

5. Learned APP opposes the prayer submitting that the recovery/seizure is from his house.

6. Taking into account the submissions of the parties as also that petitioner has no criminal antecedent nor anything has been recovered from his conscious possession, FIR lodged, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII-cum-Special Judge, Excise Court No.I, Gopalganj, in connection with Barauli P.S. Case No.338 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. Before parting, this Court would like to put on record its word of appreciation for Mrs. Shambhavi Suyesha for the assistance rendered in this matter.

(Rajiv Roy, J)

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