

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38359 of 2025

Arising Out of PS. Case No.-356 Year-2024 Thana- SONBERSA District- Sitamarhi

Santosh Kumar @ Santosh Ray Son of Late Chulahi ray R/o Vill- Parariya,
P.S- Sonbarsa , Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehend his arrest in connection
with Sonbersa P.S. Case no.356 of 2024 registered under section
30(a) of the Bihar Prohibition and Excise Act, 2016.

3. A perusal of F.I.R and seizure list would show a
total of 58.500 liters of illicit liquor was recovered from a
motorcycle which was being driven by accused Raju Kumar
who was arrested at the spot.

4. Learned counsel for the petitioner submits that
petitioner is not the owner of the said motorcycle and no
recovery has been made from the physical conscious possession
of the petitioner. The name of the petitioner has transpired on
the confessional statement of co-accused Raju Kumar made



before police who was arrested on the spot. Learned counsel for the petitioner further submits that no independent witness is there on the seizure list further indicating violation of mandatory provisions of the B.N.S.S. The petitioner undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that the petitioner has four criminal antecedents. In response, learned counsel for the petitioner submits that he is on bail in said cases.

6. At this stage, the petitioner has offered to deposit an amount of Rs. 5,000/- in the account of Patna High Court Legal Services Committee, Patna bearing Account No. 1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

7. Considering the aforesaid facts and circumstances of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Sonbersa P.S. Case no.356 of 2024 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,



subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the following conditions:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating as and when required till investigation is concluded against him.

(III) The learned Court below would however, verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay preferably within a period of two weeks.

(IV) The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee.

(Soni Shrivastava, J)

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