

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39272 of 2025

Arising Out of PS. Case No.-422 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Santosh Kumar @ Santosh Kumar Tiwari @ Sant Baba S/o Kamaldeo Tiwari
Resident of Village-Narharsarai, P.S.- Karja, District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Motipur P.S. Case No. 422 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar Excise
Act.

3. As per prosecution case, the police has recovered
total 459.930 liters of illicit foreign liquor from the pick-up
vehicle bearing Regd. No. BR06GB-7943.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner was neither apprehended on spot nor anything



incriminating has been recovered from his conscious possession. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the apprehended co-accused Santosh Kumar. The petitioner is neither owner nor driver of the alleged vehicle. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. Other co-accused has been granted anticipatory bail to the petitioner vide order dated 25-04-2025, passed in Cr. Misc. No. 26732 of 2025.

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

6. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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 Motipur
P.S. Case No. 422 of 2024, subject to the conditions as laid
down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

