

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43653 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- KHAIRA District- Saran

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Santosh Rai @ Santosh Kumar Rai S/o Lalan Rai R/o Village- Sadha, P.S.-
Muffasil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 04-07-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. This application for grant of anticipatory bail in connection with Khaira P.S. Case No. 85 of 2025 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act. Petitioner has three criminal antecedents.

3. As per the prosecution case, total 10 litres of illicit country-made liquor was recovered from the co-accused Sanjay Kumar Ray.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has no concern with the alleged recovery. It is next submitted that no incriminating article has been recovered from the conscious



physical possession of the petitioner rather the alleged recovery has been made from the possession of co-accused Sanjay Kumar Ray @ Sanjay Ray. It is lastly submitted that the petitioner has three criminal antecedents. The learned counsel for the petitioners undertakes to deposit a sum of Rs. 5,000/- in the account of Advocate Association of the Patna High Court, Patna.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties and taking into account the fact that no incriminating article has been recovered from the conscious physical possession of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on deposition of a sum of Rs. 5,000/- to the Advocate Association of the Patna High Court, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bonds on furnishing bail bond of Rs. 10,000/- (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 Khaira P.S. Case No. 85 of 2025,



subject to the following conditions:-

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

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(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 canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will 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.

(vi) In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Saran within fifteen days of his release with a copy of



this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. The application stands allowed.

(Sourendra Pandey, J)

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