

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48546 of 2025

Arising Out of PS. Case No.-159 Year-2025 Thana- GARDANIBAG District- Patna

Santosh Kumar Son of Late Jawahar Ram R/O Village- Jhoparpatti,
Gardanibagh Road No. 1, (Wrongly described as road no. 2), P.S.-
Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 02-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Gardanibagh P.S. Case No. 159 of 2025, instituted under
Sections 30(a), 36 of the Bihar Prohibition & Excise Act.

3. On secret information of selling illegal foreign liquor
by Santosh Kumar (petitioner) at road no. 2 near Jhoparpatti, the
police personnel reached there and caught one person who
disclosed his name as Gautam Kumar. The apprehended person
disclosed that his uncle (petitioner) brings liquor and he sells the
same. It is alleged that total 49.05 litre foreign liquor has been
recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case



due to his three criminal antecedents. Petitioner was not present on the spot. His house is situated in other place. Nothing has been recovered either from the conscious possession of the petitioner or from his house. Petitioner has neither concern with the seized liquor nor with the place of recovery. He has been made accused on the basis of disclosure statement of co-accused. He undertakes to co-operate in the investigation and trial.

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

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Special Excise Judge, Patna in connection with Gardanibagh P.S. Case No. 159 of 2025, subject to the conditions laid down in Section 482 (2) of the Bharatiya Nagrik Suraksha Sanhita (B.N.S.S.), 2023 along with following conditions:

- (i) The petitioner shall co-operate in the investigation and trial;
- (ii) 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;



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

(Sunil Dutta Mishra, J.)

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