

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44426 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- BHUTAH I District- Sitamarhi

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Santosh Kumar Son of Yogi Mahato Resident of Village- Koili Ward No 12
Uttarwari Tola PS -Bathnaha District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

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

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

ORAL ORDER

2 15-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bhutahi
P.S. Case No. 23 of 2025 instituted for the offences under
Section 317(2) of the Bhartiya Nyaya Sanhita, 2023 and 30(a)
of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 48 liters illicit Nepali liquor from the motorcycle.

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.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. The



petitioner has no concern either with the alleged recover of liquor or the seized motorcycle. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents in which he is on bail and is languishing in judicial custody since 16.05.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhutahi P.S. Case No. 23 of 2025.

(Rudra Prakash Mishra, J)

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