

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46783 of 2025

Arising Out of PS. Case No.-227 Year-2024 Thana- RAMPUR HARI District- Muzaffarpur

Santosh Kumar S/o Rampadarath Rai R/o Village- Sahpur, P.S.- Rampurhari,
Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection
with Rampur Hari PS Case No. 227 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that total 438.060
litres of foreign liquor was recovered from hutment meant for
fodder made in front of the house of co-accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. Petitioner has allegedly fled away from the spot and apprehended co-accused disclosed the name of the petitioner. It is submitted that recovery is made from an open place, which is accessible to one and all. The petitioner has got two criminal antecedents. There is no compliance of Section 103 of B.N.S.S. Other co-accused has been granted bail by this Court *vide* order dated 26.03.2025 passed in Cr. Misc. No. 18638 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account two criminal antecedents of the petitioner that too of the similar nature, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for grant of anticipatory bail to the petitioner is hereby ***rejected***.

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

