

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57124 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- CHHAURADANO District- East
Champaran

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Santosh Sah @ Santosh Kumar Son of Bhairo Sah @ Bhairo Prasad, R/o
village - Hiramani, P.S.- Chhauradano, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No. 2, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 26-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the secret
information that two accused persons are coming on motorcycle
with illicit liquor, police intercepted the motorcycle but after the
seeing police, the accused persons fled away on the motorcycle
throwing two plastic sacks. On search of said plastic sacks, 85
litres of country made liquor was recovered. Local watchman
identified the accused persons who fled away as co-accused
Pradeep Sahni and this petitioner.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case on suspicion as he has got two criminal antecedents. Further submission is that petitioner was not riding on the motorcycle as alleged and has no concern with the seized illicit liquor. Petitioner is not involved in any illegal business of illicit liquor. It is submitted that there is no incriminating material against the petitioner to link him in this occurrence. There is violation of statutory provision of search and seizure. Petitioner has two criminal antecedents which are of the year 2016 and 2019 and he is on bail in both the cases. Petitioner undertakes to cooperate 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 submissions 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 bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Chhauradano P.S. Case No. 147 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023 with further conditions:-



(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bond;

(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 his bail bond.

(Sunil Dutta Mishra, J)

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